

Supreme Court
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IN THE
Supreme Court of the United States.
OCTOBER TERM, 1924.

No. 342

MAPLE FLOORING MANUFACTURERS ASSOCIATION, W. D. YOUNG & COMPANY, MITCHELL BROTHERS COMPANY, *et al.*,

Appellants,
vs.

THE UNITED STATES OF AMERICA.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE
WESTERN DISTRICT OF MICHIGAN.

STATEMENT AND BRIEF ON MOTION FOR PERMISSION TO FILE
BRIEF AMICUS CURIAE ON BEHALF OF THE NATIONAL MALLEABLE & STEEL CASTINGS COMPANY, ET AL.

HERBERT POPE,
Counsel for The National Malleable & Steel Castings Company, et al., Petitioners.



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Supreme Court of the United States.

OCTOBER TERM, A. D. 1924.

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MAPLE FLOORING MANUFACTURERS ASSOCIATION, W. D. YOUNG & COMPANY, MITCHELL BROTHERS COMPANY, *et al.*,

Appellants.

vs.

THE UNITED STATES OF AMERICA.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MICHIGAN.

MOTION FOR PERMISSION TO FILE A BRIEF AS AMICUS CURIAE IN THE ABOVE ENTITLED CAUSE ON BEHALF OF THE NATIONAL MALLEABLE & STEEL CASTINGS COMPANY, A CORPORATION OF OHIO, AND OTHER CORPORATE AND INDIVIDUAL DEFENDANTS NAMED IN AN INDICTMENT FOR ALLEGED VIOLATION OF THE SHERMAN ACT FILED IN THE DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, MARCH 27, 1924.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States:

Come now The National Malleable & Steel Castings Company, *et al.*, by their counsel, requesting permission to file the following brief as *amicus curiae* in the above entitled cause.

STATEMENT.

The indictment above referred to is brought against forty-seven corporations and forty-eight individuals, residing in widely separated parts of the country. The occasion for bringing the proceeding in the Northern District of Ohio is the general allegation in the indictment that the headquarters of an association, known as The American Malleable Castings Association, is at Cleveland, Ohio, and that the corporate defendants, who constitute some of the members of this association, "have required said association" to collect information from its members and distribute it to them.

The contention of the Government, as disclosed in various removal proceedings now pending, is similar to contentions made by it in the case at bar. It is argued that a trade association which collects and distributes information is an abnormal agency, that combinations of competitors which are not normal tend to restrain trade, and that such combinations therefore constitute a violation of the first section of the Sherman Act and must be assumed to accomplish an unreasonable restraint of trade, if such a result is in any way relevant. It is with reference to this contention of the Government that we ask leave to file the following brief as *amicus curiae* in the above entitled cause.

BRIEF.

All the industries of the country are necessarily concerned in the general theories advanced by the Government in the case at bar. Indictments are now being brought in other cases which, in the absence of any definite or enforceable agreements between competitors, are based upon inference and conjecture with reference to other relationships existing between them. The removal of individual defendants from one part of the country for trial in another is sought largely upon the assumption that there is probable cause to believe that any officer of a corporation which is a member of a trade association is guilty of a violation of the Sherman Act, because a trade association which collects statistics is an abnormal and unusual agency. The reasonable activities of business men designed to improve the condition of the industries in which they are engaged are brought in question because it is assumed, without regard to the circumstances in each case, that there are standardized or normal ways in which competitors always act unless they are engaged in a combination in restraint of trade, and that if they do not act in these normal ways then the existence of an agreement or combination in restraint of trade may readily be inferred.

The effort of the Department of Justice seems to be to convert the test of reasonableness established by this court with respect to restraint of trade into something else by the use of phrases—"the normal conduct of competitors" and "the natural law of supply and demand"—which are assumed to furnish a definite test or standard by which a violation of the Sherman Act may be

established. In fact, as indicated by the Government's brief in this case, the court is in effect asked to infer that business men talk about certain things—prices, costs, etc.—when they meet, because these are the things they are most interested in, and then, after making this inference, the court is asked to condemn this normal way of acting on the very ground that it is not a normal way for competitors to act and must be supposed to result in activities which are opposed to the "natural law of supply and demand."

We submit that the question of the reasonableness of a restraint of trade in any particular case cannot be determined by the mere use of phrases of this character, and that this court has not used such phrases for that purpose. This court is not in a position to take judicial notice of what it is normal or usual for business men to do under all the varying conditions under which business is conducted to-day. Business is conducted by human beings, and not by "economic men" or "normal competitors" about whose activities it is possible always to make definite predictions. The normally intelligent business man varies his conduct according to the circumstances in which he is placed.

The decision of this court in *National Association of Window Glass Manufacturers v. United States*, 263 U. S. 403, may seem to be based upon special and abnormal circumstances. As a matter of fact it serves to illustrate the accuracy of the general statement that there are no normal conditions affecting all kinds of business to-day, even assuming that such was the case at some remote time in the past. And the decision of this court in that case makes it clear that the question of restraint of trade must be determined upon the facts and circumstances in each case and not upon any assumption as to what a business man ordinarily does.

The outstanding facts about business to-day are the competitive conditions which exist between various lines of industry. Steel competes with different kinds of iron and other metals; brick and stone and concrete industries compete with one another and all compete with still other industries, and so on. The result is that those interested in one industry are forced in many ways to act together in order to maintain that industry in competition with others. When this condition exists, and competitors in a particular industry come together for the purpose of improving the position of their industry, it is impossible to lay definite boundaries to the matters that shall be discussed between them or as to the results which shall follow from such discussions. The courts are not in a position, without inquiry, to say that some conversations and activities are normal and others abnormal under all of these varying conditions. Just as the circumstances existing in the case of the window glass manufacturers justified certain definite agreements between competitors, so other conditions may justify in the case of other industries what the Department of Justice holds to be "abnormal" activities. Obviously phrases will not solve the problem in such cases. The question of the existence of an unreasonable restraint of trade in a particular case cannot be decided merely by saying that the competitors acted in a way that competitors do not act under ordinary conditions.

In order to determine—if it can be determined—how normal competitors act under all conditions under which business is conducted to-day, a very comprehensive study of all the industries of the country would be required. One thing is sure, however, and that is that the normal and intelligent competitor to-day will seek to be fully informed regarding his own business and the activities of his rivals. It is his business to be informed, and he

usually employs all available sources of knowledge. The fact is that there never was a time when business was conducted in the open as much as it is to-day. Helpful co-operation has taken the place of secret and underhand methods in most lines of industry. Not only has it been found that underhand methods do not pay, that honesty and fair dealing are the best business policy, but educated and well trained business men recognize that in the long run they gain rather than lose by exchanging ideas regarding business practices and methods and by treating one another as gentlemen instead of deadly enemies. There is certainly nothing illegal in a spirit of co-operation designed to improve business methods and make industry more efficient. No one can truthfully say that this is not a normal way for honest and honorable business men, even though competitors, to act.

The men engaged in an industry which has fallen into hard times will naturally and inevitably co-operate as far as they can for the purpose of improving its condition and making it again prosperous. Laws cannot and should not prevent them from taking such action as is necessary to the salvation of the industry in which their capital and labor are invested. It is idle to say that normal competitors prefer to let their business go to ruin rather than speak to one another or act together in a spirit of helpfulness. The normal competitor idolized by the Department of Justice never existed anywhere, or, if he did, he was the most hated and despised man in his community.

Lawyers take pride in having a strict regard for the ethics of their profession, but the suggestion that business men have a regard for ethical principles in the conduct of their affairs arouses a suspicion in the mind of a lawyer in the Department of Justice that there must be some illegal restraint of trade going forward. The thor-

ough-going pirate is the only business man not open to suspicion by the Department of Justice to-day. This is not imagination. In the opinion of more than one member of that Department there are few business men to-day who are not law breakers within the view which the Department of Justice takes of the Sherman Act. But if there is this inevitable tendency on the part of business men to violate the Sherman Act as thus construed, then it is obvious at least that that is the normal thing for business men to do, and it is at any rate a contradiction in terms to say that normal business men are violating the Sherman Act because their normal conduct is not normal.

The truth is that it has always been possible for competitors in business to be friends. Not until recent years has it been suggested that that fact raised the presumption of a moral obligation to violate the Sherman Act. At common law no such question could arise. Contracts in restraint of trade were not criminal acts; they were merely unenforceable. The question of restraint of trade could not arise unless there existed a contract which was enforceable in the courts except for the fact that it was against public policy because in restraint of trade. A mere moral obligation was not enforceable in the courts at all. But now that contracts in restraint of trade have been made criminal, or can be enjoined in a suit in equity, there is the constant suggestion that a contract in restraint of trade may be found in facts or circumstances which could not in any view have constituted a contract the enforceability of which could have come in question in the common law courts. The opportunity to infer a conspiracy is easily suggested, and there appear to be no definite legal limits to the modern doctrine of conspiracy. If it be assumed that it is normal for competitors to keep apart and not speak to one another, it is

easy to imply a conspiracy whenever two or more of them are found together. If they are found together it may be assumed that they will talk about something they ought not to talk about, because competitors who abnormally meet will normally violate the Sherman Act. The existence of an illegal conspiracy is thus easily proved, and it is not necessary to show overt acts in furtherance of it.

In *American Column & Lumber Co. v. U. S.* 257 U. S. 377, this court recognized the necessity of finding the existence of an illegal agreement in order to show a violation of the Sherman Act in such a case. It is evidence that this court found that an agreement existed (as was the case in *United States v. American Linseed Oil Company*, 262 U. S. 371) which was definite enough to be enforceable between the parties, except for the fact that it was in restraint of trade and therefore against public policy and invalid at common law and under the Sherman Act. It was not decided in that case that the Sherman Act had gone beyond the common law by including as contracts in restraint of trade implied or inferred agreements which could not have been contracts at all at common law—moral obligations of some sort which the courts did not recognize as enforceable under any circumstances.

A contract in restraint of trade between two competitors was just as illegal, that is unenforceable, at common law as a contract between many competitors. If we accept the suggestion of the Government that, under the first section of the Sherman Act, a moral obligation between competitors may be just as effectual as a legal obligation, then any friendly relationship between two competitors, any conversations between them, may serve as evidence of an illegal contract, combination or conspiracy in restraint of trade. All private conversations between competitors will be open to investigation. The investigation cannot be confined to such conversations as are car-

ried on at the meetings of a trade association. If it is to be inferred that competitors talk about forbidden things on such occasions the same inference may readily be made when they meet at other times—on the golf course or in a smoking car. Competitors belonging to the same church or the same college fraternity will inevitably and normally violate the Sherman Act. It is preposterous to think of their acting like the normal competitors imagined by the Department of Justice.

In the *Standard Oil case*, 221 U. S. 1, this court recognized that some standard outside the act itself was required for the interpretation of the Sherman Act in order to make that statute certain enough for enforcement. The conclusion of this court was that “the standard of reason which had been applied at the common law and in this country in dealing with subjects of the character embraced by the statute, was intended to be the measure used for the purpose of determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided.” It seems clear from this statement that the standard of reason must be applied with reference to the facts of each particular case, and that it cannot be assumed that there are standard methods used by business men in the conduct of their business under all circumstances, and that the use of any different methods is an interference with the natural law of supply and demand and constitutes an illegal restraint of trade.

The Sherman Act was not intended to be a barrier to reasonable progress in industrial development. The unprecedented growth of trade associations must be considered as evidence of a normal and inevitable development in industry. There must be strong, underlying economic reasons to account for such a development, and,

as we have already pointed out, it is a contradiction in terms to say that what is apparently a normal economic growth is open to suspicion as a violation of the reasonable standard established by the Sherman Act merely because it is not, according to the assumed standards of the Department of Justice, a normal way for business men, especially competitors, to act.

As a matter of definition the words "reasonable" and "normal" are not equivalent terms. What is normal in conduct is often irrational, unthinking, unintelligent, and what is abnormal is often conspicuously reasonable. Obviously, progress depends upon departure from the normal standards, using the word "normal" in one sense. If abnormal conduct in business or any other field of activity were prohibited society would become static. It is the operation of reason directed to the discovery of useful abnormalities which makes development and progress possible. To construe the Sherman Act as a prohibition of abnormal conduct in this sense would mean a reversal of the decision of this court in the *Standard Oil case* and in *National Association of Window Glass Manufacturers v. United States, supra*.

It is obvious that the word "normal" is a highly ambiguous word. If it is used to indicate what was usual at some indefinite time in the past, it means one thing. If it is used to mean what a reasonably intelligent man is likely to do under different circumstances, it means something else. If it is used to mean what an "economic man" or an "ordinary competitor" would always do under any circumstances, then it is difficult to say what it does mean.

Business men engaged in an industry which is in active competition with other industries will inevitably seek to foster and develop their own industry. They must, as

a matter of self-protection, seek not only to improve the quality of the product of their industry, but to persuade all those engaged in the industry to conduct their business in a way which will tend to develop and improve the industry rather than to sacrifice or destroy it. It is seldom, if ever, suggested that competitors may not freely exchange ideas regarding improvements in the quality of their product and be helpful to one another in similar ways, in the construction of plants and equipment, in the elimination of waste in manufacturing operations, in methods of accounting and office practice. Yet all of these things constitute to a more or less extent a restraint of trade. Binding agreements limiting the freedom of action of competitors even in such matters might, under some circumstances, constitute an unreasonable restraint of trade. Questions of costs and prices do not fall in a different category. It is impossible in many industries to separate quality and price. Quality and service are elements of competition as well as price, and in determining the existence of an unreasonable restraint of trade in a particular case the standard of reason must be applied in the same way, whether the subject matter of the restraint is quality, service or price. The Sherman Act has to do with the unreasonableness of the restraint of trade, not specifically with unreasonableness of price or of any of the other terms and conditions of a contract of sale. The unreasonableness of any restraint of trade, therefore, cannot be determined on the basis of any general rules regarding the customary conduct of business men or competitors, but upon the facts of the particular case. The principle applied in the case of *National Association of Window Glass Manufacturers v. United States, supra*, is the only one that can be considered as controlling.

If the question of the unreasonableness of the restraint must be determined in this way in each case, it is clearer

still that the existence of an agreement cannot be inferred merely from friendly relationships or conversations between competitors. One man has a perfect right to seek to influence the conduct of another, even a competitor, by an appeal to his intelligence without having it inferred that an illegal agreement in restraint of trade has been made between them. Competitors have always influenced one another in such ways and it is contrary to the facts to suggest that such influence is not normal. Competitors are men and deal with one another as men. No doubt a business man will talk more readily and more freely with one competitor than with another. In such cases, as in all other cases of human intercourse, a man of known honesty, integrity and character for fair dealing will have the confidence of his fellow men to a greater extent than others who do not have the same good reputation. If all competitors in a particular industry had the highest ideals regarding the conduct of their business, it would be strange indeed if the inference could therefore be made that they were conducting their business in accordance with an illegal agreement in restraint of trade. On that theory the "ethics" of the legal profession would be open to question, and any effort to raise the standard of conduct amongst business men would be a violation of the Sherman Act.

It is easy to understand why the views of the Department of Commerce and the views of the Department of Justice have come into conflict. One department is interested in improvements in industrial conditions and the other is insisting that change is not normal and is therefore illegal. It is impossible ordinarily to make changes in industrial conditions and practices without co-operation of some character on the part of those engaged in business, and it is necessary to use persuasion and influence to secure the co-operation and the changes in methods desired. If these essential activities are always

to be open to question, and if co-operation by those engaged in a particular industry for the purpose of developing the industry and increasing its effectiveness in competition with other industries is to be held illegal, then it is obvious that the Sherman Act has been turned into an instrument designed to prevent the operation of the natural law of supply and demand in a field in which it is most essential that this law should operate freely and without restraint. The Sherman Act itself will then tend to restrain trade unduly and unreasonably, and will become a contributing cause of the very evil it was designed to prevent. This new and inflexible rule must operate in the same way with respect to all industries and occupations. Co-operation by laborers and farmers, notwithstanding Section 6 of the Clayton Act, to secure—not by agreement limiting freedom of action but by the use of knowledge and intelligence—better conditions, better wages and better prices, will be just as much opposed to the rule that what has been normal, within the view of the Department of Justice, must continue to prevail, as co-operation by men of affairs engaged in other industries to accomplish the same desirable results for their industries. Is this to be the final result of the application of the standard of reason in this field of the law?

We respectfully submit that the Sherman Act cannot properly be made definite and certain by making the rule of reasonableness with respect to restraint of trade equivalent to a fixed standard of conduct based upon an assumption as to what it has been normal for men in the past to do.

Respectfully submitted,

HERBERT POPE,

Counsel for The National Malleable & Steel Castings Company, et al., Petitioners.

CHICAGO, February 24, 1925.

The parties in the foregoing cause are hereby notified that the undersigned will, on Monday, the second day of March, 1925, at the opening of the court on that day, or as soon thereafter as counsel may be heard, submit the foregoing motion for leave to file a brief herein as *amicus curiae*.

HERBERT POPE,

Counsel for The National Malleable & Steel Castings Company, et al.

Due service of the foregoing notice of motion and brief is hereby admitted, this 21st day of ~~February~~
1925.

JACOB NEWMAN,

HENRY L. STERN,

CONRAD H. POPPENHUSEN and

EDWARD R. JOHNSTON,

Counsel for Appellants.

Counsel for United States.

We hereby consent to the filing of the foregoing brief *amicus curiae* herein.

JACOB NEWMAN,

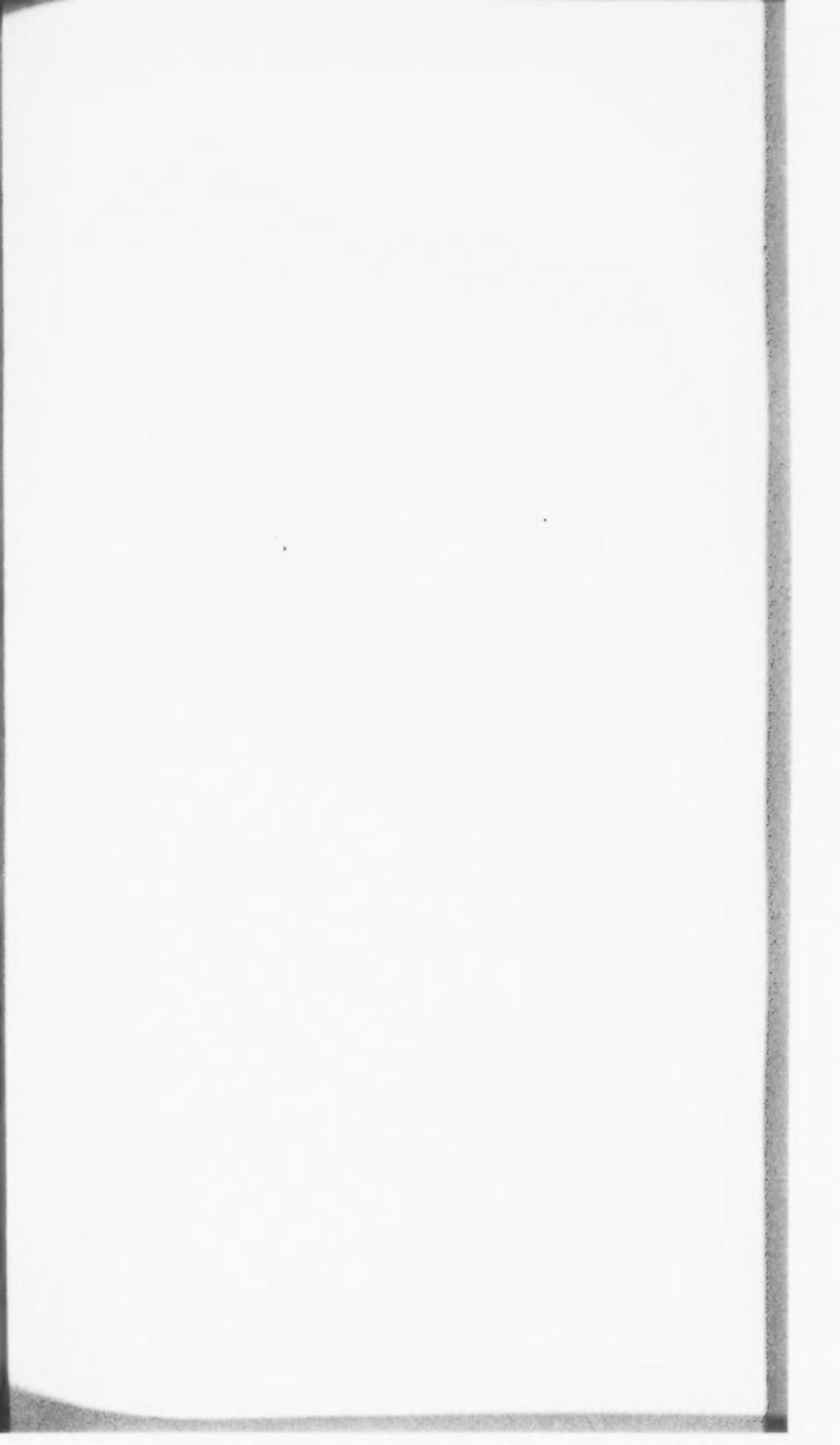
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Counsel for United States.
Solicitor General
and





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U. S. Supreme Court

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1924

No. 343

MAPLE FLOORING MANUFACTURERS ASSOCIATION, W. D.
YOUNG & COMPANY, MITCHELL BROTHERS COMPANY,
ET AL., APPELLANTS.

THE UNITED STATES OF AMERICA

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR
THE WESTERN DISTRICT OF MICHIGAN

FILED MARCH 25, 1924

(30,230)

(30,230)

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Manufacturers of Maple, Beech or Birch Flooring Who are not Members of Maple Flooring Manufacturers Association

List Compiled by Maple Flooring Manufacturers Association

Acer Lumber Company.....	Woodsville, N. H.
American Hardwood Flooring Co.....	Glen Mary, Tenn.
Athens Woodmilling Company.....	Athens, N. Y.
Babcock Coal & Coke Company.....	Landisburg, W. Va.
Babcock Lumber & Boom Company.....	Davis, W. Va.
Babcock Lumber & Land Company.....	Marysville, Tenn.
Beck, August C. Company.....	Milwaukee, Wis.
Blount, The Lumber Company.....	Lacona, N. Y.
Billings Lumber Company.....	Belvidere Center, Vt.
Boulia-Gorrell, The Lumber Co.....	Lakeport, N. H.
Bradley Lumber Company.....	Warren, Ark.
Brooks Bros. Inc.....	Minnesota Transfer, Minn.
Brown Company.....	Portland, Me.
Brown Lumber Company.....	Manistique, Mich.
Bruee, E. L. Company.....	Memphis, Tenn.
Burt, C. E. & F. O.....	Stowe, Vt.
Campbellsville Lumber Company.....	Campbellsville, Ky.
Carr Lumber Company.....	Pisgah Forest, N. C.
Clark, Haniel & Son Inc.....	Corry, Pa.
Connor, R. Company.....	Marshfield, Wis.
Cottage Planing Mill Company.....	Everett, Pa.
Coudersport Mangle Roller Company	Coudersport, Pa.
Croghan Flooring & Manufacturing Company	Croghan, N. Y.
Doe River Flooring Company.....	Johnson City, Tenn.
Dohn, Fischer & Co. Inc.....	Buffalo, N. Y.
Duxbury Lumber Company.....	Burlington, Vt.
Dwight Lumber Company.....	Detroit, Mich.
Elias, G. & Bro. Inc.....	Buffalo, N. Y.
Empire Floor & Lumber Corp.....	Buffalo, N. Y.
Emporium Lumber Company.....	Utica, N. Y.
Farrin, The M. B. Lumber Co.....	Cincinnati, O.
Farris Hardwood Lumber Company.....	Nashville, Tenn.
Forman, Thomas Company.....	Detroit, Mich.
Guyan Lumber Company.....	Herndon, W. Va.
Harris Manufacturing Company.....	Johnson City, Tenn.
Hettler, Herman H. Lumber Company.....	Chicago, Ill.
Holan, James Manufacturing Company.....	Cleveland, O.
Huntington & Finke Co.....	Buffalo, N. Y.
Kerry & Way Lumber & Mfg. Co.....	Saginaw, Mich.
Keystone Manufacturing Co.....	Elkins, W. Va.
Krouskop, A. H.....	Richland Center, Wis.
McMinnville Manufacturing Co.....	McMinnville, Tenn.

Meadow River Lumber Co.	Rainelle, W. Va.
Meyers Lumber Co. Inc.	North Tonawanda, N. Y.
Montgomery Bros. & Co.	Buffalo, N. Y.
Morse, George A. Company	Morrisville, Vt.
Morse, L. S.	Jeffersonville, Vt.
Morse, Wm. B. & Sons	Rochester, N. Y.
Mosier & Summers Inc.	Buffalo, N. Y.
Nashville Hardwood Flooring Company	Nashville, Tenn.
Norwood Lumber Company	Forney, N. C.
Palmer, W. G. Inc.	North Tonawanda, N. Y.
Parker & Stearns	Johnson, Vt.
Parker-Young, The Co.	Lisbon, N. H.
Pierce, W. E. & Co.	Milford, N. H.
Putnam, Calvin Lumber Co.	Danvers, Mass.
[fol. 6620] Prouty & Miller	Newport, Vt.
Ritter, W. M. Lumber Co.	Columbus, O.
Robbins Flooring Company	Rhineland, Wis.
Sawyer Goodman Company	Marinette, Wis.
Schroeder, John Lumber Company	Milwaukee, Wis.
Segelke & Kohlhaus Mfg. Company	LaCrosse, Wis.
Shepard & Morse Lumber Company	Boston, Mass.
Slaymaker, S. E. & Company	New York City, N. Y.
Studley Box & Lumber Company	Rochester, N. H.
Tennant, G. H. Company	Minneapolis, Minn.
Thomas, J. O. & Sons	Belvidere Center, Vt.
Valley Lumber Company	Orleans, Vt.
Villaume Box & Lumber Company	St. Paul, Minn.
Ward Brothers	Big Rapids, Mich.
Westwood Mfg. Co.	Weston, W. Va.
Wilce Flooring Company	Chicago, Illinois.

[fols. 6621 & 6622] DEFENDANTS' GORDON EXHIBIT No. 2

List of non Member Maple Flooring Manufacturers Secured from
Hendricks' Commercial Register of the United States, 1923 (31st
Annual Edition)

Published by S. E. Hendricks Co., Inc., 70 Fifth Ave., New York City

Acme Lumber & Shingle Company, 20 West Jackson Blvd., Chicago, Ill.

Babcock Lumber Company, Frick Bldg., Pittsburgh, Pa.

Basic Mfg. Co., Wilmington, Del.

Bliss & Van Auken, Saginaw, Mich.

Bruckman Lumber Company, Preble near Island, N. S. Pittsburgh, Pa.

Bruner, Owen M. (Eagle Grain), 406 Wood Bldg., Philadelphia, Pa.

Carr, Ryder & Adams Co. (Whole Mfg.) Dubuque, Iowa.

Consolidated Fuel & Lumber Co., Negaunee, Mich.
 Cream City Sash & Door Co., 601 Park, Milwaukee, Wis.
 Curtis & Yale Co. (Whole. Mfgrs.), Wausau, Wis.
 Dennis, A. L. Salt & Lumber Co., Grand Rapids, Mich.
 Eastman, S. L. Flooring Co., East Saginaw, Mich.
 Gordon Valentine Co., Davenport, Iowa.
 Grand Rapids Lumber Co., Grand Rapids, Mich.
 Gribbon Lumber Co., 975 east 7th Street, St. Paul, Minn.
 Griffith, Webster, Ebensburg, Pa.
 Lobdell-Emery Mfg. Co., Onoway, Mich.
 Mansfield Lumber Co., Mansfield, Ohio.
 Mason-Donaldson Lumber Co., Rhinelander, Wis.
 Morgan Co., Oshkosh, Wis.
 Nicola Lumber Co., Farmers Bank Bldg., Pittsburgh, Pa.

[fol. 6623]

Serfas Lumber Co., Drake Bldg., Easton, Pa.
 Stearns, A. T. Lumber Co., 100 Taylor Street, Boston, Mass.
 Stephens, Henry & Co., 815 Farewell, Waters, Mich.
 West Virginia Lumber Co., 1st National Bank Bldg., Pittsburgh,
 Pa.
 Williams, W. E. Co., Traverse City, Mich.

[fols. 6624 & 6625] DEFENDANTS' GORDON EXHIBIT No. 3

List of non Member Maple Flooring Manufacturers Secured from
 Thomas' Register (1922-1923) of American Manufacturers

Published at 461 8th Ave., New York City

Boone Fork Mfg. Co.	Johnson City, Tenn.
Goodman Lumber Co.	Goodman, Wis.
Hutton & Bourbonnais Co., Box 330....	Hickory, N. C.
Morten Lumber Co., S. W. Arcade Bldg....	St. Louis, Mo.
Northern Lumber Co.	North Tonawanda, N. Y.
Phillips, C. R., & Co.	" " "
Sternier, F. J., Co., Inc. Hudson Terminal Bldg.	New York City, N. Y.
Stirling Box & Lumber Company, 3300 No. Broadway	St. Louis, Mo.

[fols. 6626 & 6627] DEFENDANTS' GORDON EXHIBIT No. 4

Proportions of Total Cut of Maple Lumber in the United States Used
by Members of the Maple Flooring Manufacturers Association

1912-1920

Year	Maple lumber production U. S.***	Maple flooring production—all members M. F. M. A.	% of total cut used by members M. F. M. A.	In-creased to include members of 23% wast-age.**
				B. m. in millions of feet
1912.....	1021.	166.4	16.3	21.2
1913.....	901.	175.2	19.5	25.3
1914.....	910.	160.2	17.6	22.8
1915.....	900.	145.0	16.1	20.9
1916.....	975.	138.4	14.2	18.4
1917.....	860.	116.4	13.5	17.5
1918.....	815.	86.2	10.6	13.7
1919.....	857.	117.0	13.7	17.8
1920.....	875.	128.7	14.7	19.1
1921.....	*	109.0	9 year Average ==
1922.....	*	148.3	19.2%

*Data not yet published.

**Previous columned based on flooring production finished product. Average wastage figure increase given amount rough maple lumber used.

***Data from United States Dept. of Agriculture, Forestry Service. "Pro-

duction Lumber, Laths & Shingles." Bulletins 1912—#237, 506, 673, 768, 845,
14th Census and #1119.

[fols. 6628 & 6629]

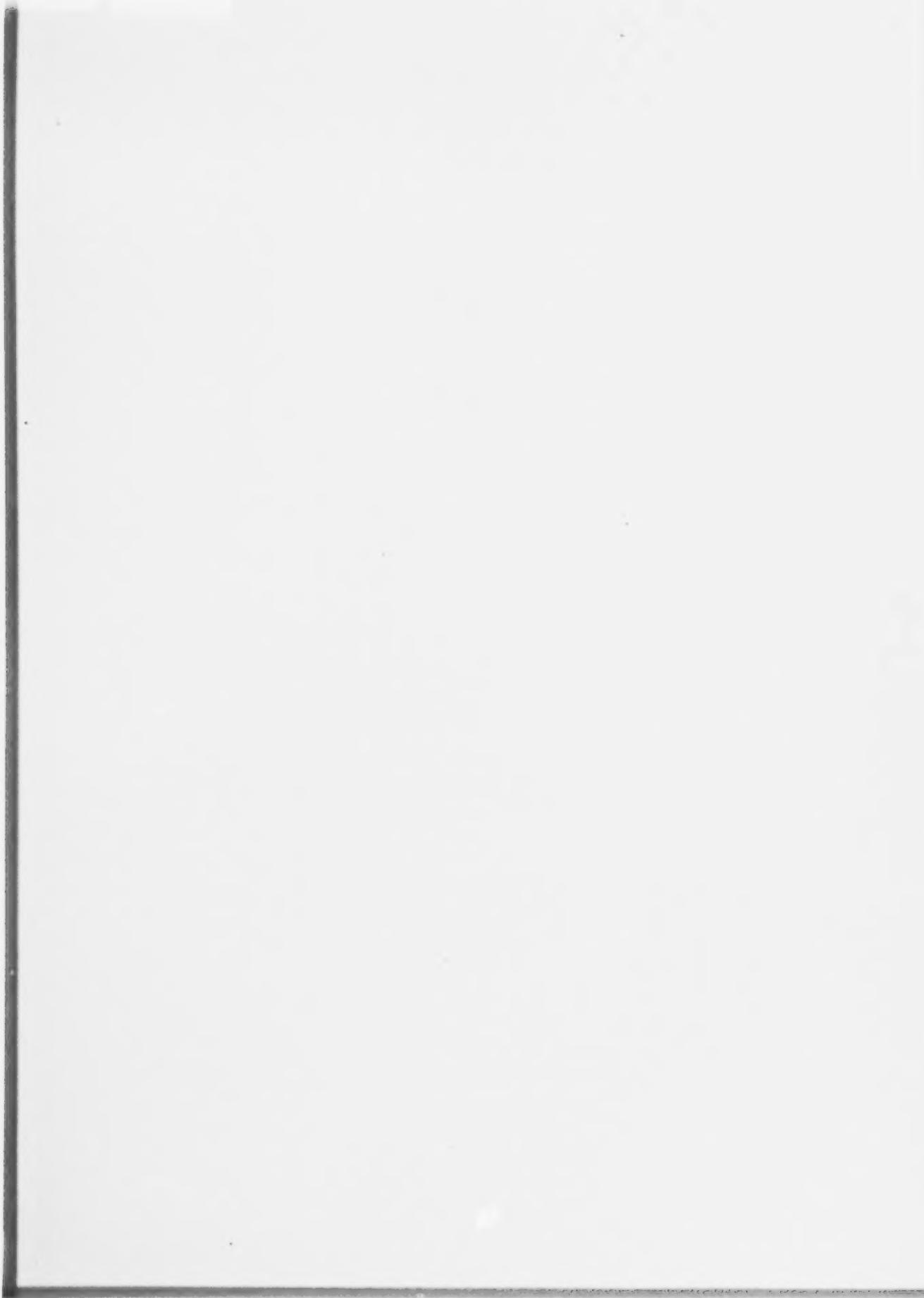
DEFENDANTS' GORDON EXHIBIT No. 5
 Number of Maple Lumber Manufacturing Establishments in the United States*

	1912-1920								
	1912	1913	1914	1915	1916	1917	1918	1919	1920
United States.....	8092	5060	5006	4294	4131	3944	3659	4583	4131
New York.....	1071	1172	**	861	846	786	699	724	857
Pennsylvania.....	1020	577	**	537	453	427	392	595	454
Michigan.....	602	402	**	270	271	249	178	255	212
Wisconsin.....	510	359	**	263	278	264	256	300	264
Ohio.....	826	499	**	407	359	328	321	445	342
Indiana.....	668	391	**	290	321	340	269	413	310
Vermont.....	370	234	**	245	216	206	169	340	197
West Virginia.....	339	188	**	213	208	193	171	226	186
All other States.....	2686	1238	**	1199	1179	1151	1204	1285	1309

Average for 9 years, 1912-1920, incl., for the U. S. = 4,767.

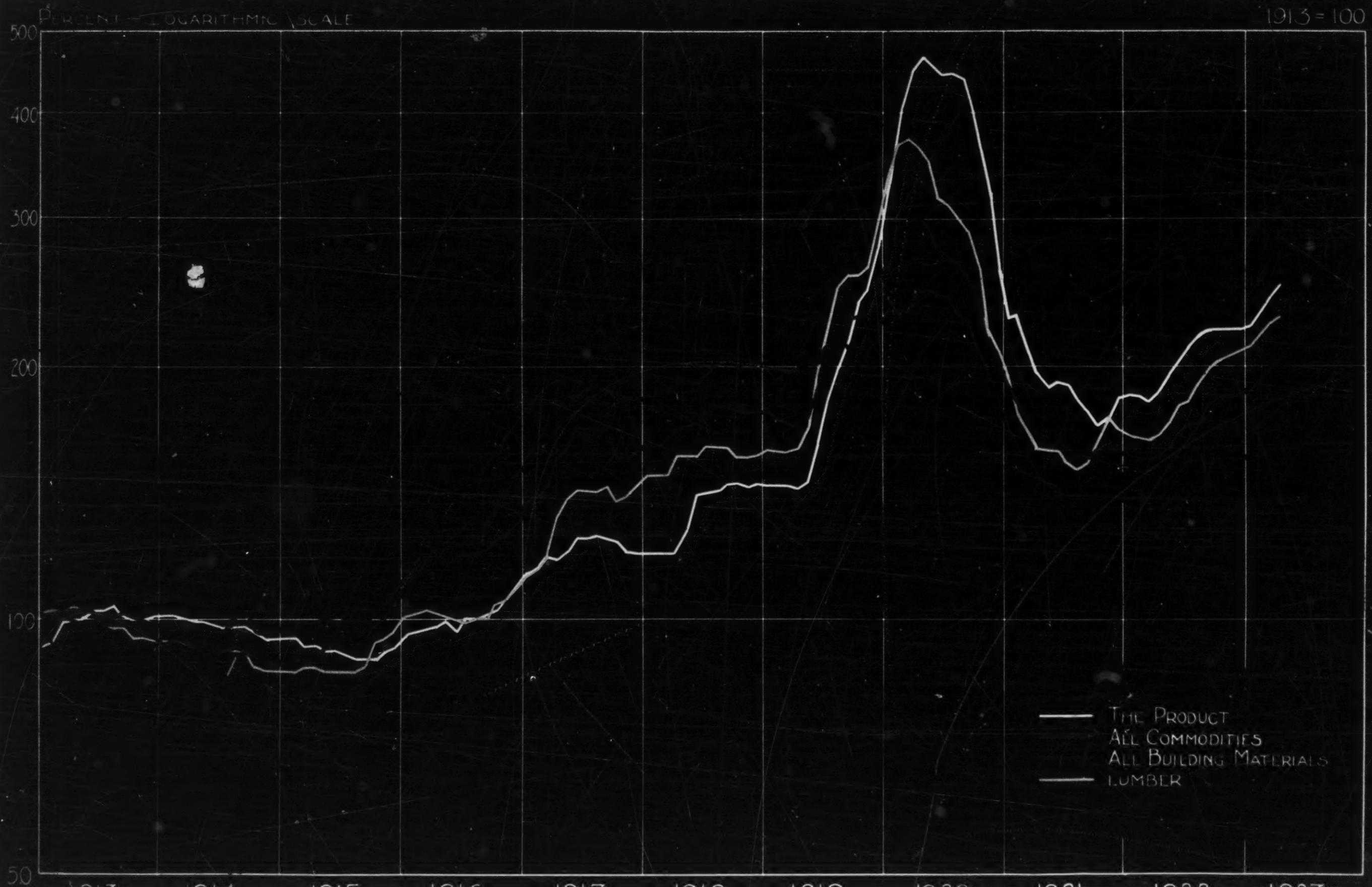
*Data from U. S. Dept. of Agriculture, Bureau of Forestry, yearly Bulletin on "Production of Lumber, Laths, and Shingles in the United States."

**Data not available by States.



[fols. 6630-6635] DEFENDANTS' GORDON EXHIBIT No. 6

ALL COMMODITY PRICES, ALL BUILDING MATERIALS PRICES, AND LUMBER PRICES
MONTHLY 1913-1923

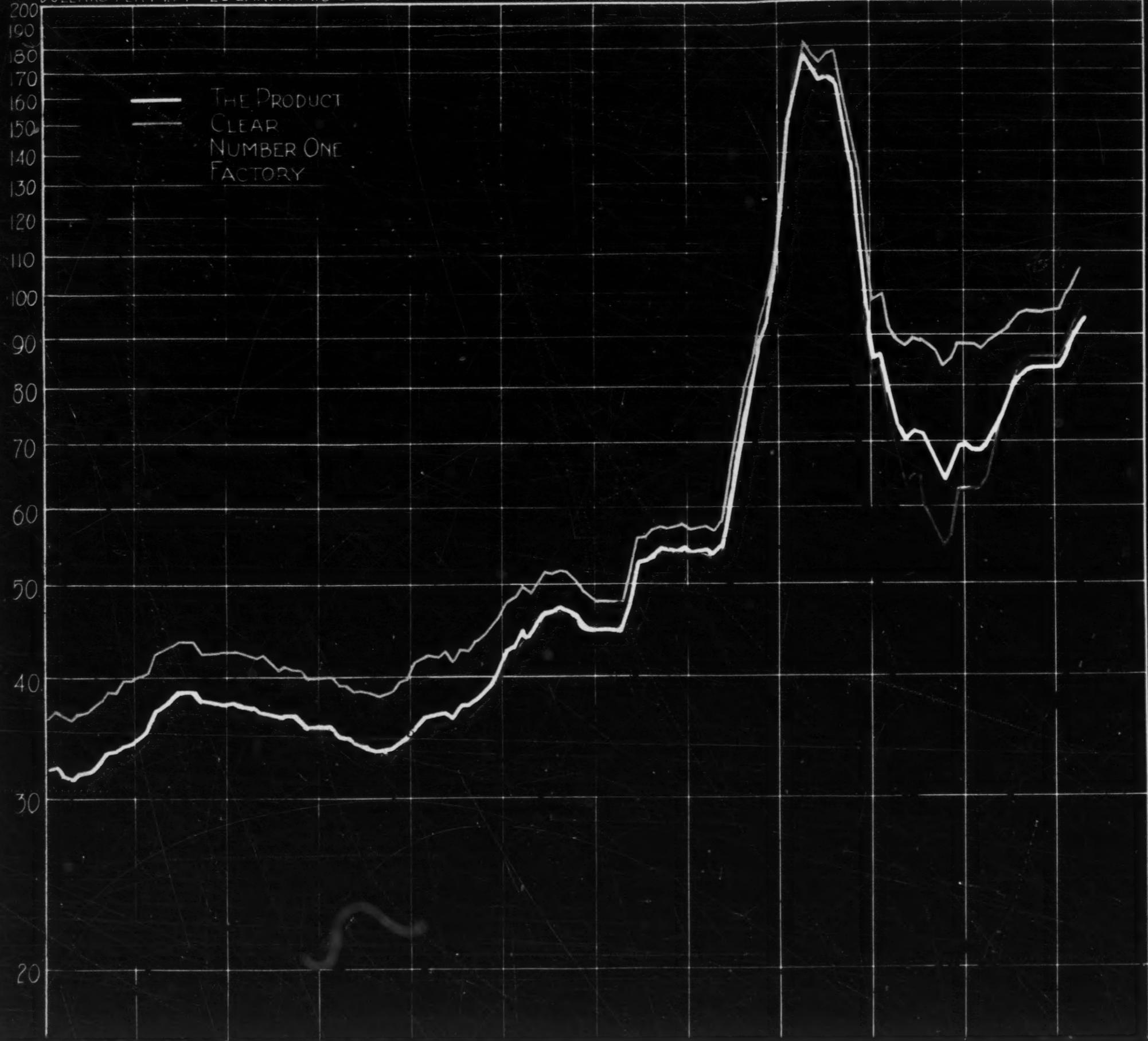


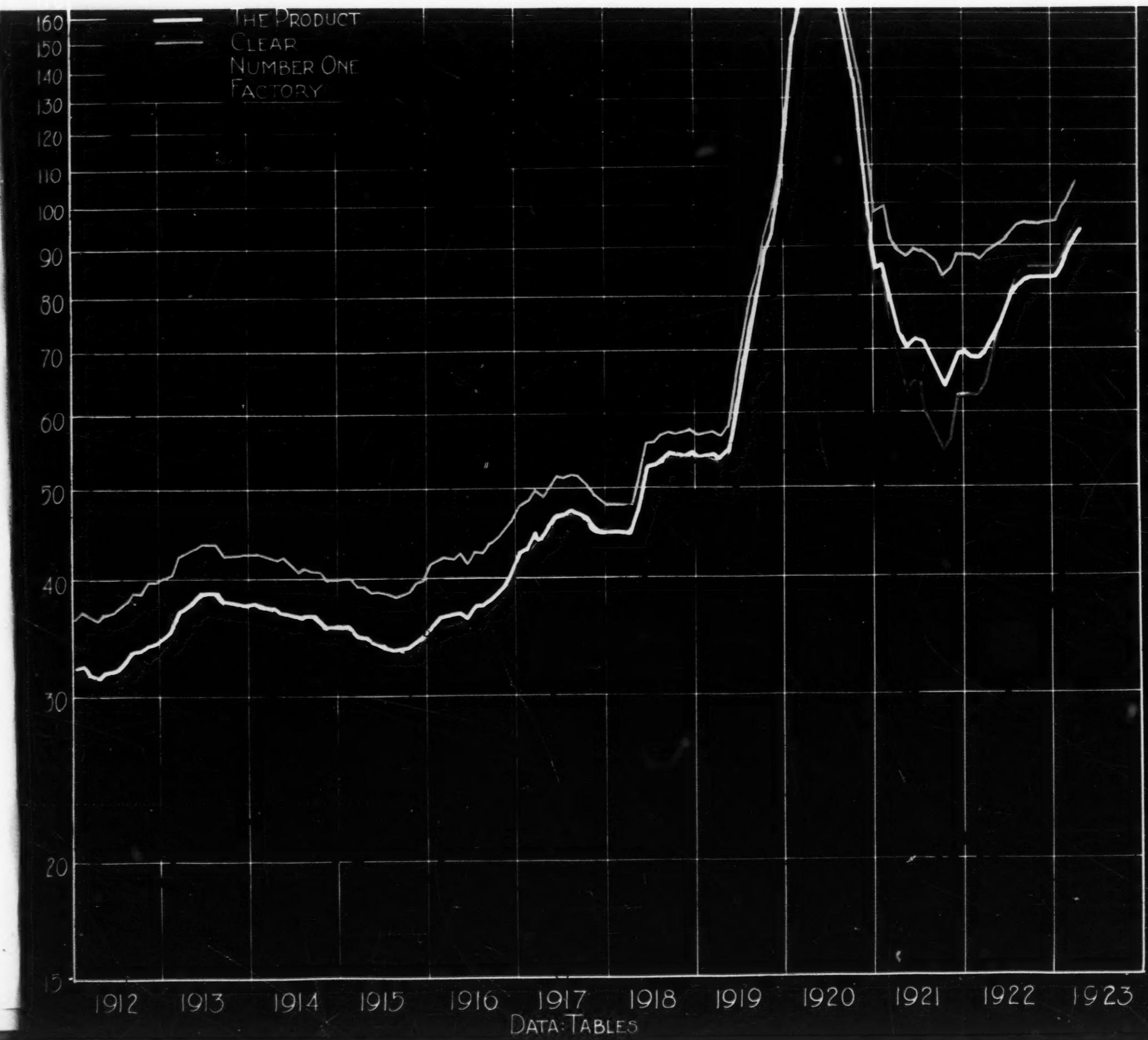


[fols. 6636-6641] DEFENDANTS' GORDON EXHIBIT No. 7

DOLLARS PER M.FT-LOGARITHMIC SCALE

MONTHLY 1912-1960







[fols. 6642 & 6643] DEFENDANTS' GORDON EXHIBIT No. 8

Commodities Used by the United States Bureau of Labor Statistics in
Constructing Its Index Numbers of Wholesale Prices

Commodity

Farm Products—Group I

(a) Grains:

Barley, malting, Chicago.
Corn, Chicago—
 Contract grades.
 No. 3 mixed.
Oats, contract grades, Chicago.
Rye, No. 2, Chicago.
Wheat—
 No. 1, northern spring, Chicago.
 No. 2, red winter, Chicago.
 No. 2, hard winter, Kansas City.
 No. 1, northern spring, Minneapolis.
 No. 1, hard white, Portland, Oreg.

(b) Live stock and poultry:

Cattle, steers, Chicago.
 Choice to prime.
 Good to choice.
Hogs, Chicago.
 Heavy.
 Light.
Sheep, Chicago.
 Ewes, native, all grades.
 Lambs, western, good to choice.
 Wethers, fed, good to choice.
Poultry, live fowls—
 Chicago.
 New York.

(c) Other farm products:

Beans, medium, choice, New York.
Clover seed, contract grades, Chicago.
Cotton, middling—
 New Orleans.
 New York.
Cotton seed, average price at gin.

Eggs, fresh—
 Firsts, western, Boston.
 Firsts, Chicago.
 Extra firsts, Cincinnati.
 Canded, New Orleans.
 Firsts, New York.
 Extra firsts, western, Philadelphia.
 Extra pullets, San Francisco.
 Flaxseed, No. 1, Minneapolis.
 Hay—
 Alfalfa, No. 1, Kansas City.
 Clover, mixed, No. 1, Cincinnati.
 Timothy, No. 1, Chicago.
 Hides and skins—
 Calfskins, No. 1, country, Chicago.
 Coatskins, Brazilian, New York.
 Hides, heavy, country cows, No. 1, Chicago.
 Hides, packers, heavy, native steers, Chicago.
 Hides, packers, heavy, Texas steers, Chicago.

[fol. 6644] (c) Other farm products—Concluded.

Hops, prime to choice—
 New York State, New York.
 Pacific Coast, Portland, Oreg.
 Milk, fresh—
 Chicago.
 New York.
 San Francisco.
 Onions, fresh, yellow, Chicago.
 Peanuts, No. 1, Norfolk, Va.
 Potatoes—
 White, good to choice, Chicago.
 Sweet, No. 1, Philadelphia.
 Rice, New Orleans—
 Blue Rose, head, clean.
 Honduras, head, clean.
 Tobacco, Burley, good leaf, dark red—
 Louisville, Ky.
 Wool, Ohio, Boston—
 Fine clothing, scoured.
 Fine delaine, scoured.
 Half blood, scoured.
 One-fourth and three eighth grades, scoured.

Foods—Group II

(a) Meats:

Beef, fresh—
 Carcass, good native steers, Chicago
 Sides, native, New York.

Beef, salt, extra mess, New York.
 Hams, smoked, Chicago.
 Lamb, dressed, Chicago.
 Mutton, dressed, New York.
 Pork, fresh—
 Loins, Chicago.
 Loins, Western, New York.
 Pork, cured—
 Mess, salt, New York.
 Sides, rough, Chicago.
 Sides, short, clear, Chicago.
 Poultry, dressed—
 Hens, heavy, Chicago.
 Fowls, 48-56 pounds to dozen, New York.
 Veal, dressed, good to prime, New York.

(b) Butter, cheese and milk:

Butter, creamery—
 Boston—
 Extra.
 Firsts.
 Seconds.
 Chicago—
 Extra.
 Extra firsts.
 Firsts.
 Cincinnati—
 Extra.
 Centralized firsts.
 Centralized seconds.
 New Orleans—
 Fancy.
 Choice.
 New York—
 Extra.
 Firsts.
 Seconds.

[fol. 6645] (b) Butter, cheese, and milk—Concluded.

Butter, creamery—Concluded.
 Philadelphia—
 Extra.
 Extra firsts.
 Firsts.
 St. Louis—
 Extra.
 San Francisco—
 Extra.
 Prime firsts.

Cheese, whole milk—

American twins, Chicago.

State, fresh flats, colored, average, New York.

California flats, fancy, San Francisco.

Milk, fresh. (See Farm products.)

Milk, condensed, 14-ounce tins, New York.

Milk, evaporated, 16-ounce tins, New York.

(e) Other foods:

Beans, medium, choice. (See Farm products.)

Bread—

Chicago.

Cincinnati.

New Orleans.

New York.

San Francisco.

Cocoa, beans, Arriba, New York.

Coffee, Rio, No. 7, New York.

Copra, South Sea, sun dried, New York.

Eggs, fresh. (See Farm products.)

Fish—

Cod, large, shore, pickled, cured, Gloucester, Mass.

Herring, large, split, New York.

Mackerel, salt, large, 3s, Boston.

Salmon, canned, Alaska, red, factory.

Flour, rye, white, Minneapolis.

Flour, wheat—

Winter patents, Kansas City.

Winter straights, Kansas City.

Standard patents, Minneapolis.

Second patents, Minneapolis.

Patents, Portland, Oreg.

Patents, soft, winter, St. Louis.

Straights, soft, winter, St. Louis.

Patents, Toledo.

Fruit, dried, New York—

Apples, evaporated, State, choice.

Currants, uncleaned, barrels.

Prunes, California, 60-70s.

Raisins, coast, seeded, bulk.

Fruit, fresh—

Apples, Baldwins, Chicago.

Bananas, Jamaica, 9s, New York.

Lemons, California (300-360 count), Chicago.

Oranges, California, choice, Chicago.

Glucose, 42° mixing, New York.

Hominy grits, bulk, car lots, f. o. b. mill.

Lard, prime contract, New York.

Meal, corn—

White, f. o. b. Decatur, Ill.

Yellow, Philadelphia.

[fol. 6646] (e) Other foods—Concluded.

Molasses, New Orleans, fancy, New York.
 Oatmeal, ear lots, in barrels (180 pounds), New York.
 Oleomargarine, standard, uncolored, Chicago.
 Oleo oil, extra, Chicago.
 Pepper, black, Singapore, New York.
 Rice, (See Farm products.)
 Salt, American, medium, Chicago.
 Sugar, New York—
 Granulated, in barrels.
 Raw, 96° centrifugal.
 Tallow, edible, Chicago.
 Tea, Forosa, fine, New York.
 Vegetables, canned—
 Corn, Maryland-Maine style, New York.
 Peas, State and western, No. 5, New York.
 Tomatoes, New Jersey, standard, No. 3, New York.
 Vegetables, fresh. (See Farm products.)
 Coconut, crude, Pacific Coast.
 Corn, crude, in barrels, New York.
 Cottonseed, prime, summer, yellow, New York.
 Olive, edible, in barrels, New York.
 Peanut, crude, f. o. b. mill.
 Soya bean, crude, in barrels, New York.
 Vinegar, cider, 40 grain, in barrels, New York.

Clothes & Clothing—Group III

(a) Boots and shoes, factory:

Children's—
 Little boys', gun metal, blucher.
 Child's, gun metal, polish, high cut.
 Misses', black, vici, polish, high cut.
 Youths', gun metal, blucher.
 Men's—
 Black, calf, blucher.
 Black, calf, Goodyear welt, bal.
 Black, dress, Goodyear welt, side leather.
 Gun metal, Goodyear welt, blucher.
 Mahogany, chrome, side, Goodyear welt, bal.
 Tan, dress, Goodyear welt, Calf.
 Tan, dress, Goodyear welt, side leather.
 Tan, grain, blucher.
 Vici kid, black, Goodyear welt.
 Women's—
 Black, kid, Goodyear welt, 8½-inch lace.
 Kid, Goodyear welt, 9-inch lace.
 Kid, McKay sewed, 8½-inch lace.
 Patent leather pump McKay sewed.

(b) Cotton goods:

Denims, Mass., 2.20 yards to the pound, New York.
 Drillings, brown, New York.
 Massachusetts D standard, 30-inch.
 Pepperell, 29-inch, 2.85 yards to the pound.
 Flannels, New York—
 Colored, 2.75 yards to the pound.
 Unbleached, 3.80 yards to the pound.
 Ginghams—
 Amoskeag, 27-inch, 6.37 yards to the pound, New York.
 Lancaster, 26½-inch, 6.50 yards to the pound, Boston.
 Hosiery—
 Men's half hose, combed yarn, New York.
 Women's, cotton, silk mercerized, mock seam, New York.
 Women's, combed yarn, 16-ounce, New York.

[fol. 6647] (b) Cotton goods—Concluded.

Muslin, bleached, 4/4—
 Fruit of the Loom, New York.
 Lonsdale, factory.
 Rough Rider, New York.
 Wamsutta, factory.
 Print cloth, 27-inch, 7.60 yards to the pound, Boston.
 Sheetings, brown, 4/4—
 Indian Head, 2.85 yards to the pound, Boston.
 Pepperell, 3.75 yards to the pound, New York.
 Ware Shoals, 4 yards to the pound, New York.
 Thread, 6-cord, J. & P. Coats, New York.
 Underwear—
 Men's shirts and drawers, New York.
 Women's union suits, combed yarn, New York.
 Yarn, Boston—
 Carded, white mulespun, northern, 10/1 cones.
 Carded, white, mulespun, northern, 22/1 cones.
 Twisted, ordinary, weaving, 20/2.
 Twisted, ordinary, weaving, 40/2.

(c) Woolen goods:

Flannel, white 4/4, Ballard Vale, No. 3, factory.
 Overcoating, soft-faced, black, Boston.
 Suitings—
 Cay worsted, diagonal, 12-ounce, factory.
 Clay worsted, diagonal, 16-ounce, factory.
 Middlesex, wool-dyed, blue, 16-ounce, New York.
 Serge, 11-ounce, factory.

Trousering, cotton warp, 11-11 $\frac{1}{2}$ -ounce, New York.

Underwear—

Merino, shirts and drawers, factory.

Men's union suits, 33 per cent worsted, New York.

Women's dress goods—

Broadcloth, 9 $\frac{1}{2}$ -ounce, 54-56-inch, New York.

French serge, 35-inch, factory.

Poplar cloth, cotton warp, factory.

Sicilian cloth, cotton warp, 50-inch, New York.

Storm serge, double warp, 50-inch, factory.

Yarn—

Crossbred stock, 2/32s, Boston.

Half blood, 2/40s, Philadelphia.

Fine domestic, 2/50s, Philadelphia.

(d) Silk, etc.:

Linen shoe thread, 10s, Barbour, New York.

Silk, raw—

China, Canton filature, extra extra A, New York.

Japan, Kansai, No. 1, New York.

Japan, special extra extra, New York.

Silk yarn, New York.

Domestic, gray spun, 60/1.

Domestic, gray spun, 60/2, No. 1.

Fuel & Lighting—Group IV

(a) Anthracite coal, New York, tidewater.

Broken.

Chestnut.

Egg.

Stove.

(b) Bituminous coal:

Mine run, Chicago.

Prepared sizes, Chicago.

Screenings, Chicago.

[fol. 6648] (b) Bituminous coal—Concluded.

Mine run, Kanawha, Cincinnati.

Mine run, smokeless, New River, Cincinnati.

Prepared sizes, Pittsburgh.

Indiana, No. 4 mine run, f. o. b. Indianapolis.

(c) Other fuel and lighting:

Coke, Connellsville, furnace, at ovens.

Gasoline, motor, New York.

Matches, average of several brands, New York.
 Crude petroleum, at wells—
 California, 20°.
 Kansas-Oklahoma.
 Pennsylvania.
 Refined petroleum, New York
 Standard white, 110° fire test.
 Water white, 150° test.

Metal & Metal Products—Group V

(a) Iron and steel:

Iron ore, lower lake ports—
 Mesaba, Bessemer, 55 per cent.
 Non-Bessemer, 51½ per cent.
 Pig iron—
 Basic, valley furnace.
 Bessemer, Pittsburgh.
 Foundry, No. 2, northern, Pittsburgh.
 Foundry, No. 2, Birmingham, Ala.
 Ferromanganese, seaboard.
 Spiegeleisen, 18 and 22 per cent, furnace.
 Bar iron.
 Best refined, Philadelphia.
 Common, f. o. b. Pittsburgh.
 Bars, reinforcing, Pittsburgh.
 Nails, wire, Pittsburgh.
 Pipe, cast-iron, 6-inch, New York.
 Skelp grooved, Pittsburgh.
 Steel billets, Pittsburgh.
 Bessemer.
 Open hearth.
 Steel merchants bars, Pittsburgh.
 Steel plates, tank, Pittsburgh.
 Steel rails, Pittsburgh—
 Bessemer, standard.
 Open hearth, standard.
 Steel sheets, black, f. o. b. Pittsburgh.
 Steel, structural shapes, Pittsburgh.
 Terneplate, 8 pounds I. C., Pittsburgh.
 Tin plate, domestic, coke, Pittsburgh.
 Wire—
 Barbed, galvanized, Chicago.
 Plain, fence, annealed, Pittsburgh.

(b) Nonferrous metals:

Aluminum, New York.
 Copper, ingot, electrolytic, refinery.
 Copper, sheet, New York.

Copper wire, bare, mill.
 Lead pig, New York.
 Lead pipe, New York.
 Quicksilver, New York.
 Silver, bar, fine, New York.
 Tin, pig, New York.
 Zinc, sheet, factory.
 Zinc, slab, New York.

Building Materials—Group VI

(a) Lumber:

Douglas fir, mill—
 No. 1 common, boards.
 No. 2 and better, drop siding.

[fol. 6649] (a) Lumber—Concluded.

Gum, sap, firsts and seconds, St. Louis.
 Hemlock, northern, No. 1, Chicago.
 Maple, hard, No. 1 common 4/4, Chicago.
 Oak, white, plain, No. 1 common, 4/4, Cincinnati.
 Pine, white, No. 2 barn, Buffalo, N. Y.
 Pine, yellow, southern, mill—
 Floorings, B. and better.
 Timbers, square edge and sound.
 Poplar, No. 1 common, 4/4, Cincinnati.
 Spruce, eastern, random, Boston.
 Lath, yellow pine, No. 1, f. o. b. mill.
 Shingles—
 Cypress, 16 inches long, mill.
 Red cedar, 16 inches long, mill.

(b) Brick, common buildings, simple average of 82 yard prices.

(c) Structural steel. (See Metals and metal products.)

(d) Other building materials:

Cement, Portland, f. o. b. plant, simple average of 6 plant
 prices.
 Crushed stone, 1½ inch, New York.
 Gravel, f. o. b. pit, average of 22 plant prices.
 Hollow tile, building, Chicago.
 Lime, common, lump, f. o. b. plant, average of 15 plant
 prices.
 Sand, building, f. o. b. pit, average of 26 plant prices.
 Slate, roofing, f. o. b. quarry.
 Glass, plate—
 3 to 5 square feet, New York.
 5 to 10 square feet, New York.

Glass, window, American, f. o. b. works.
 Single, A.
 Single, B.
 Linseed oil, raw, New York.
 Putty, commercial, New York.
 Rosin, common to good, (B), New York.
 Turpentine, southern, barrels, New York.
 White lead, American, in oil, New York.
 Zinc oxide (white zinc), New York.
 Pipe, cast-iron. (See Metals and Metal Products.)
 Copper, sheet. (See Metals and Metal Products.)
 Copper wire. (See Metals and Metal Products.)
 Lead pipe. (See Metals and Metal Products.)
 Nails. (See Metals and Metal Products.)
 Reinforcing bars. (See Metals and Metal Products.)
 Roofing tin (terneplate). (See Metals and Metal Products.)
 Zinc, Sheet. (See Metals and Metal Products.)

Chemicals & Drugs—Group VII

(a) Chemicals:

Acids, New York—
 Acetic, 28 per cent.
 Muriatic, 20°.
 Nitric, 42°.
 Stearic, triple pressed.
 Sulphuric, 66°.
 Alcohol, New York—
 Denatured, No. 5, 188 proof.
 Wood, refined, 95 per cent.
 Alum, lump, New York.
 Ammonia, anhydrous, New York.
 Bleaching powder, New York.
 Borax, crystals and granulated, New York.
 Copper sulphate, 99 per cent, crystals, New York.
 Copra, South Sea, sun dried, New York.
 Formaldehyde, New York.
 Oil, vegetable—
 Coconut, crude, Pacific coast.
 Corn, crude, in barrels, New York.

[fol. 6650] (a) Chemicals—Concluded.

Palm kernel, crude, New York.
 Soya bean, crude, in barrels, New York.
 Potash, caustic, 88-92 per cent, New York.
 Sal Soda, New York.
 Soda Ash, 58 Per cent, light, New York.
 Soda, bicarbonate, American, f. o. b. works.

Soda, caustic, 76 per cent. solid, New York.
 Soda, silicate of, 40°, New York.
 Sulphur, crude, New York.
 Tallow, inedible, packers' prime, Chicago.

(b) Fertilizer materials.

Acid phosphate, 16 per cent basis, bulk, New York.
 Ammonia, sulphate, double bags, New York.
 Ground bone, steamed, Chicago.
 Muriate of potash, 80-85 per cent, H. C. L. bags, New York.
 Phosphate rock, 68 per cent, f. o. b. mines.
 Soda nitrate, 95 per cent, New York.
 Tankage, 9 and 20 per cent, crushed, f. o. b. Chicago.

(c) Drugs and pharmaceuticals:

Acid, citric, domestic, crystals, New York.
 Acid, tartaric, crystals, U. S. P., New York.
 Alcohol, grain, 190 proof, U. S. P., New York.
 Cream of tartar, powdered, New York.
 Epsom salts, U. S. P., in barrels, New York.
 Glycerine, refined, New York.
 Opium, natural, U. S. P., New York.
 Peroxide of hydrogen, 4-ounce bottles, New York.
 Phenol, U. S. P. (carbolic acid), New York.
 Quinine, sulphate, manufacturers' quotations, New York.

House Furnishing Goods—Group VIII

(a) Furniture:

Bedroom—

Bed, combination, factory.
 Chair, all gum, cane seat, factory.
 Chifforette, combination, factory.
 Dresser, combination, factory.
 Rocker, quartered oak, Chicago.
 Set, 3 pieces, Chicago.

Dining room—

Buffet, combination, factory.
 Chair, all gum, leather slip seat, factory.
 Table, extension, combination, factory.

Living room—

Davenport, standard pattern, factory.
 Table, library, combination, factory.

Kitchen—

Chair, hardwood, Chicago.
 Refrigerator, lift top type, factory.
 Table, with drawer, Chicago.

(b) Furnishings:

Blankets—

Cotton, colored, 2 pounds to the pair, New York.
Wool, 4 to 5 pounds to the pair, factory.

Carpets, factory—

Axminster, Bigelow.
Brussels, Bigelow.
Wilton, Bigelow.

Cutlery—

Carvers, 8-inch, factory.
Knives and forks, factory.

[fol. 6651] (b) Furnishings—Concluded.

Pails, galvanized iron, 10-quart, factory.

Sheeting, bleached, 10/4—

Pepperell, New York.
Wamsutta, factory.

Tableware—

Glass nappies, 4-inch, factory.
Glass pitchers, one-half gallon, factory.
Glass tumblers, one-third pint, factory.
Plates, white granite, 7-inch, factory.
Tea cups and saucers, white granite, factory.

Ticking, Amoskeag, A. C. A., 2.85 yards to pound,
New York.

Tubs, galvanized iron, No. 3, factory.

Miscellaneous—Group IX

(a) Cattle feed:

Bran, Minneapolis.
Cottonseed meal, prime, New York.
Linseed meal, New York.
Mill-feed middlings, standard, Minneapolis.

(b) Leather:

Calf, chrome, B grade, Boston.
Glazed kid, black, top grade, Boston.
Harness, California oak, No. 1, Chicago.
Side, black, chrome, B grade, Boston.
Sole, Boston—
Hemlock, middle, No. 1.
Oak, scoured backs, heavy.
Union, middle weight.

(e) Paper and pulp:

Paper—

Newsprint, rolls, f. o. b. mill.
Wrapping, manila, No. 1, jute, New York.
Woodpulp, sulphite, domestic, unbleached, New York.

(d) Other miscellaneous:

Hemp, manila, fair current shipment, New York
Jute, raw, medium grades, New York.
Lubricating oil, paraffin, 903 gravity, New York.
Rope, pure manila, best grade, New York.
Rubber, Para, island, fine, New York.
Sisal, Mexican, current shipment, New York.

Soap—

Laundry, Cincinnati.
Laundry, Philadelphia.
Starch, laundry, bulk, New York.
Tobacco—
Plug, New York.
Smoking, 1-ounce bags, New York.

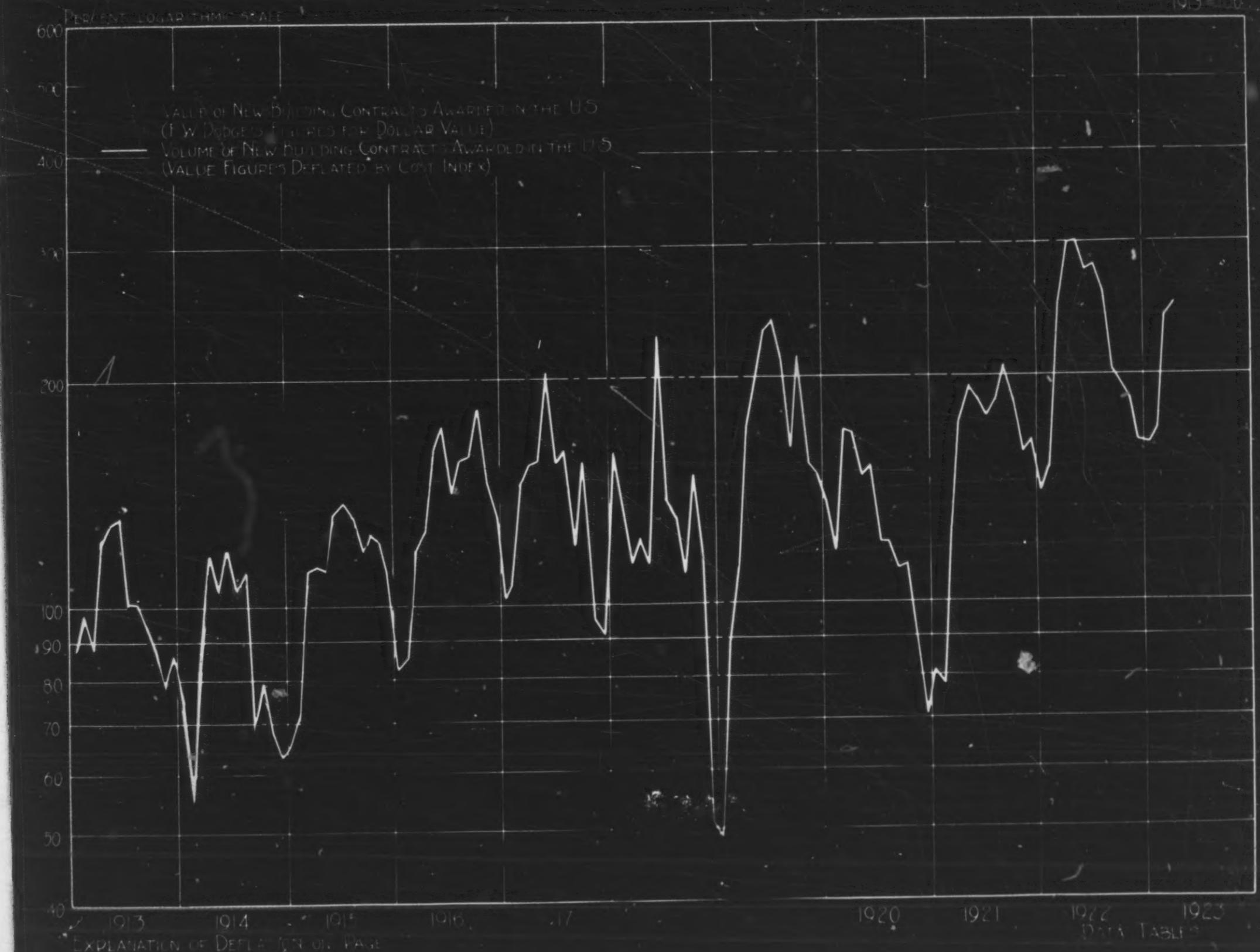


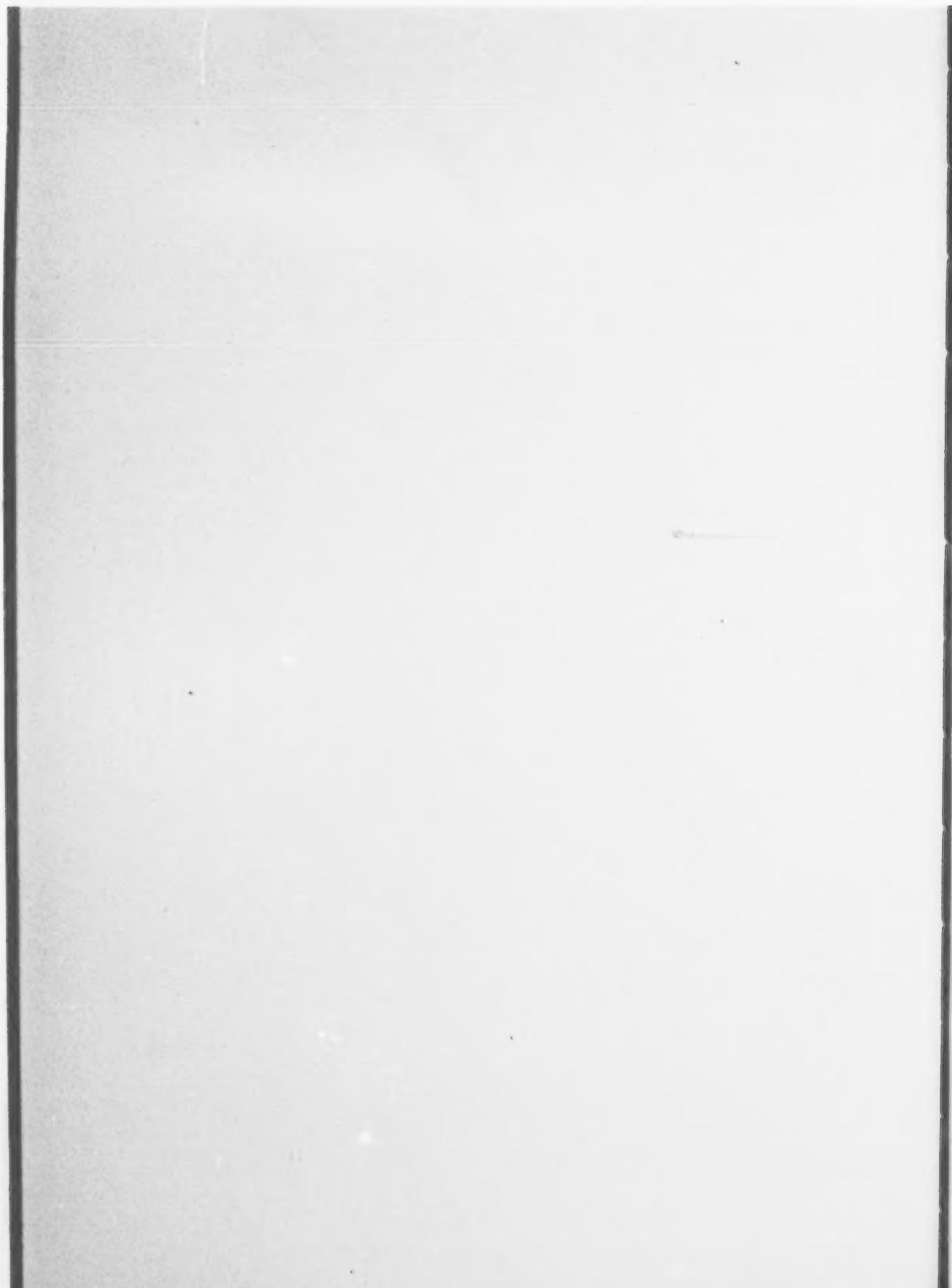
[fols. 6652-6657] DEFENDANTS' GORDON EXHIBIT No. 9

61-920

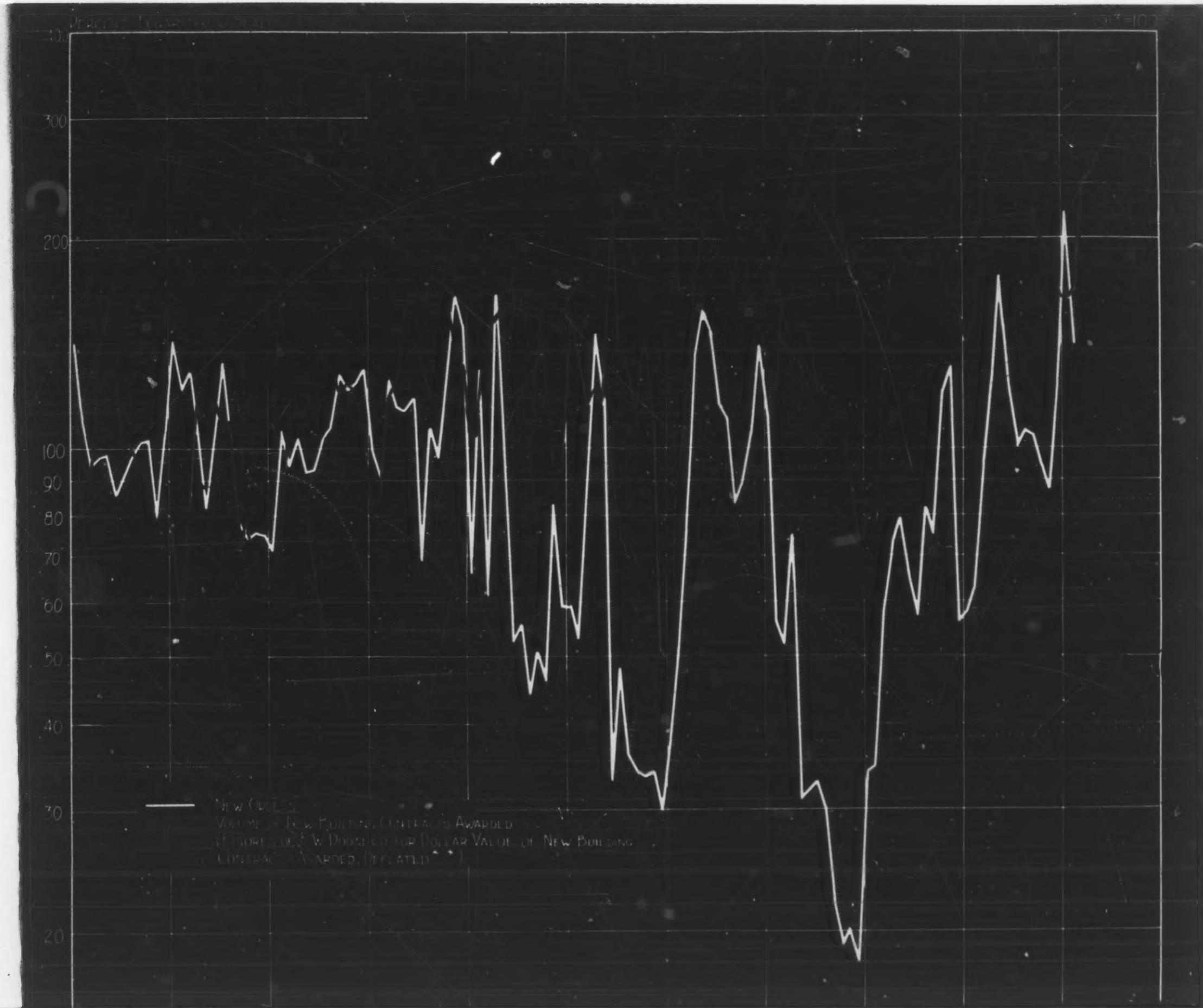
COMPARISON OF VALUE AND VOLUME OF NEW BUILDING CONTRACTS AWARDED IN THE U.S.
MONTHLY FROM 1913

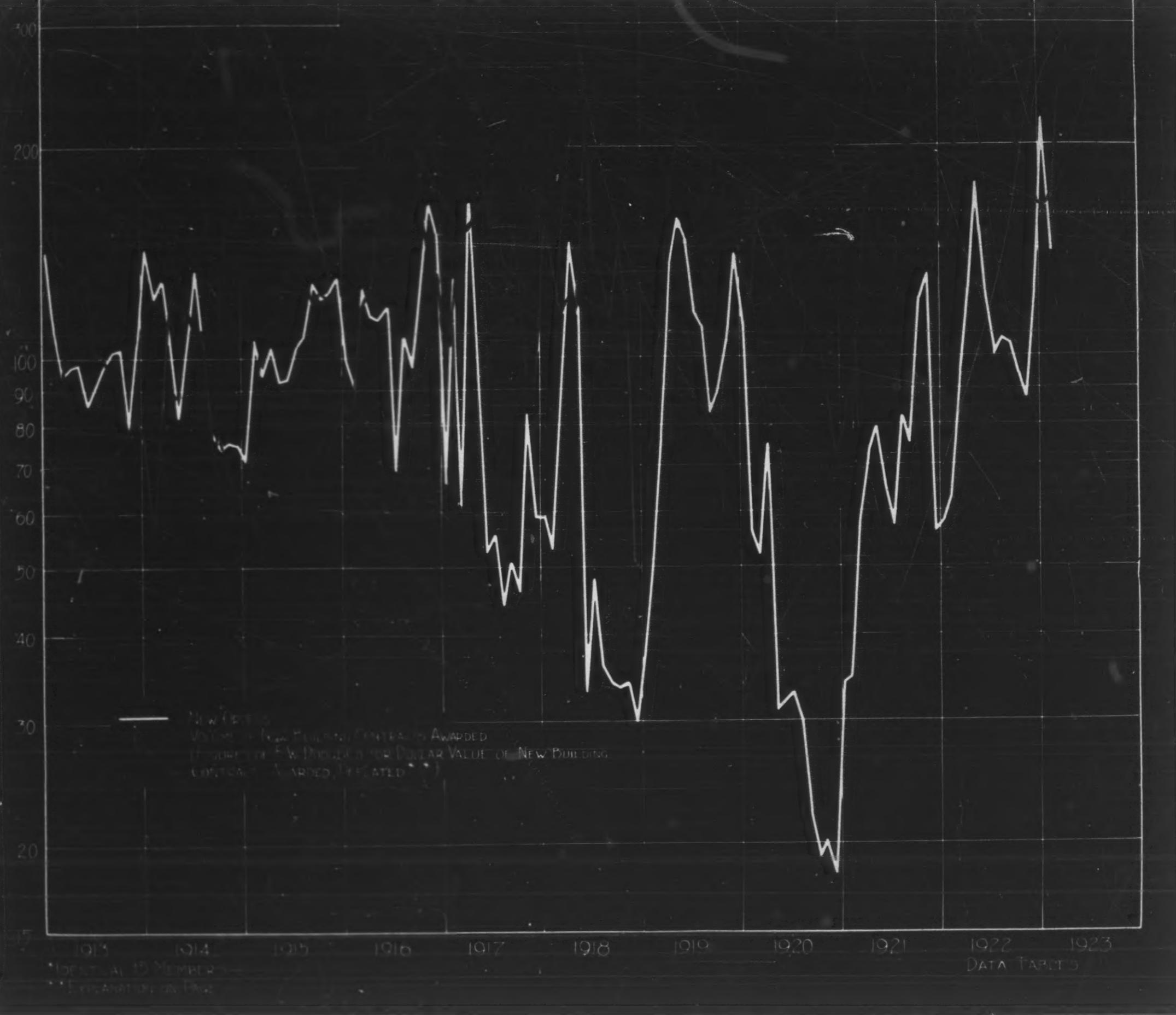
1913 = 100

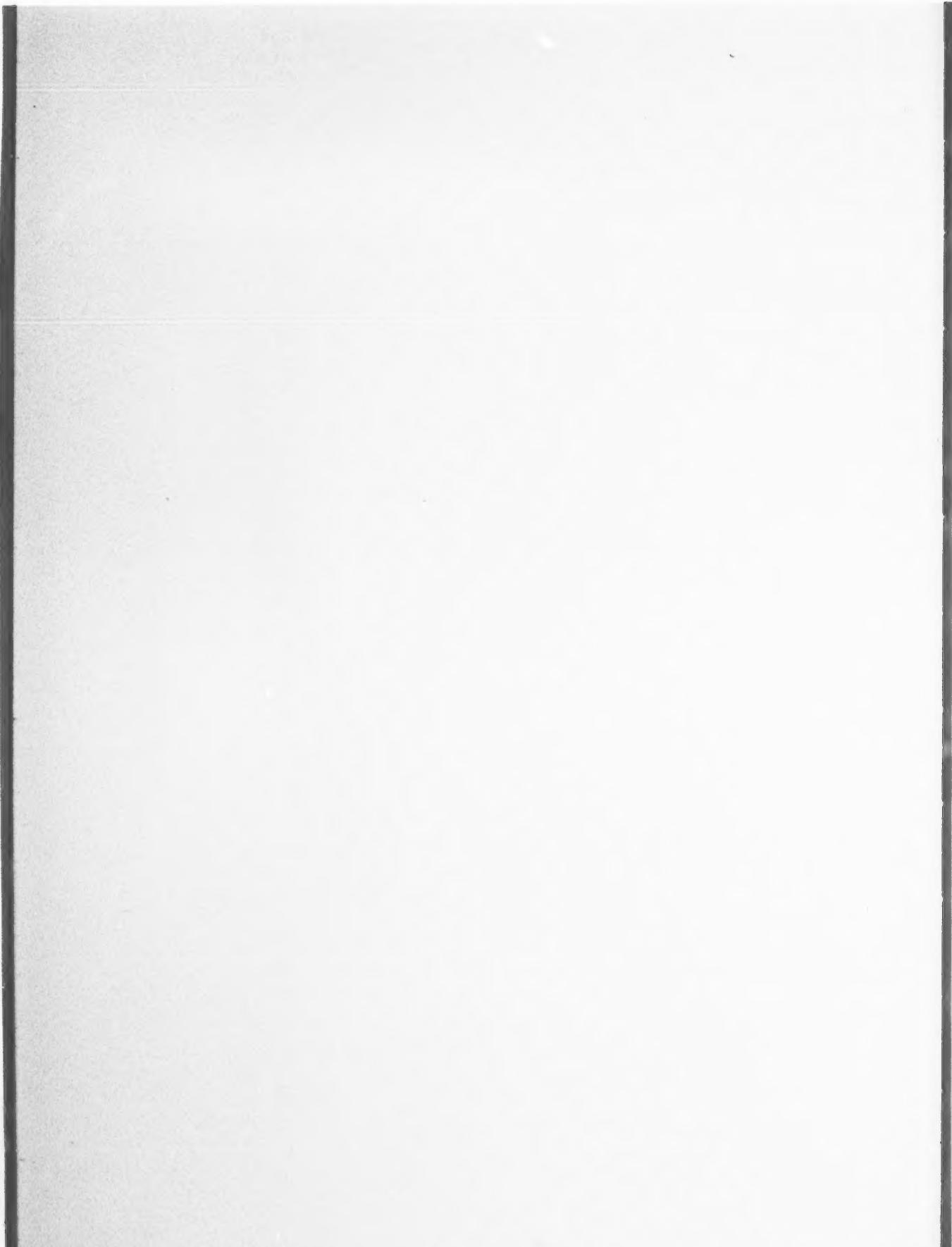




[fols. 6658-6661] DEFENDANTS' GORDON EXHIBIT No. 10







[fols. 6662-6665] DEFENDANTS' GORDON EXHIBIT No. 11

PRODUCTION

MILLIONS OF FT



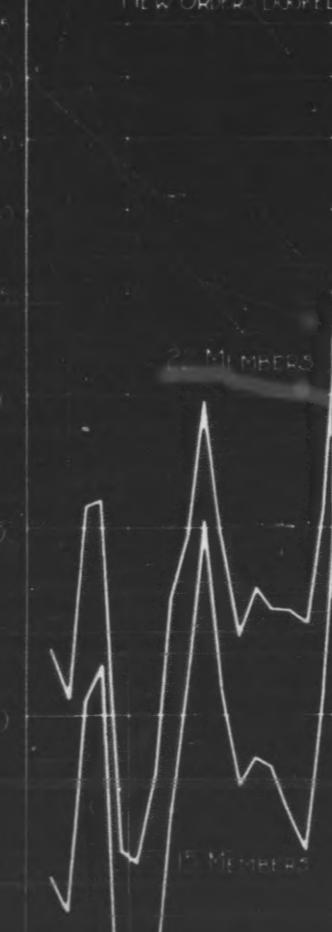
SHIPMENTS

MILLIONS OF FT



MILLIONS OF FT

NEW ORDER BOOKED



LINE OF ORDERS

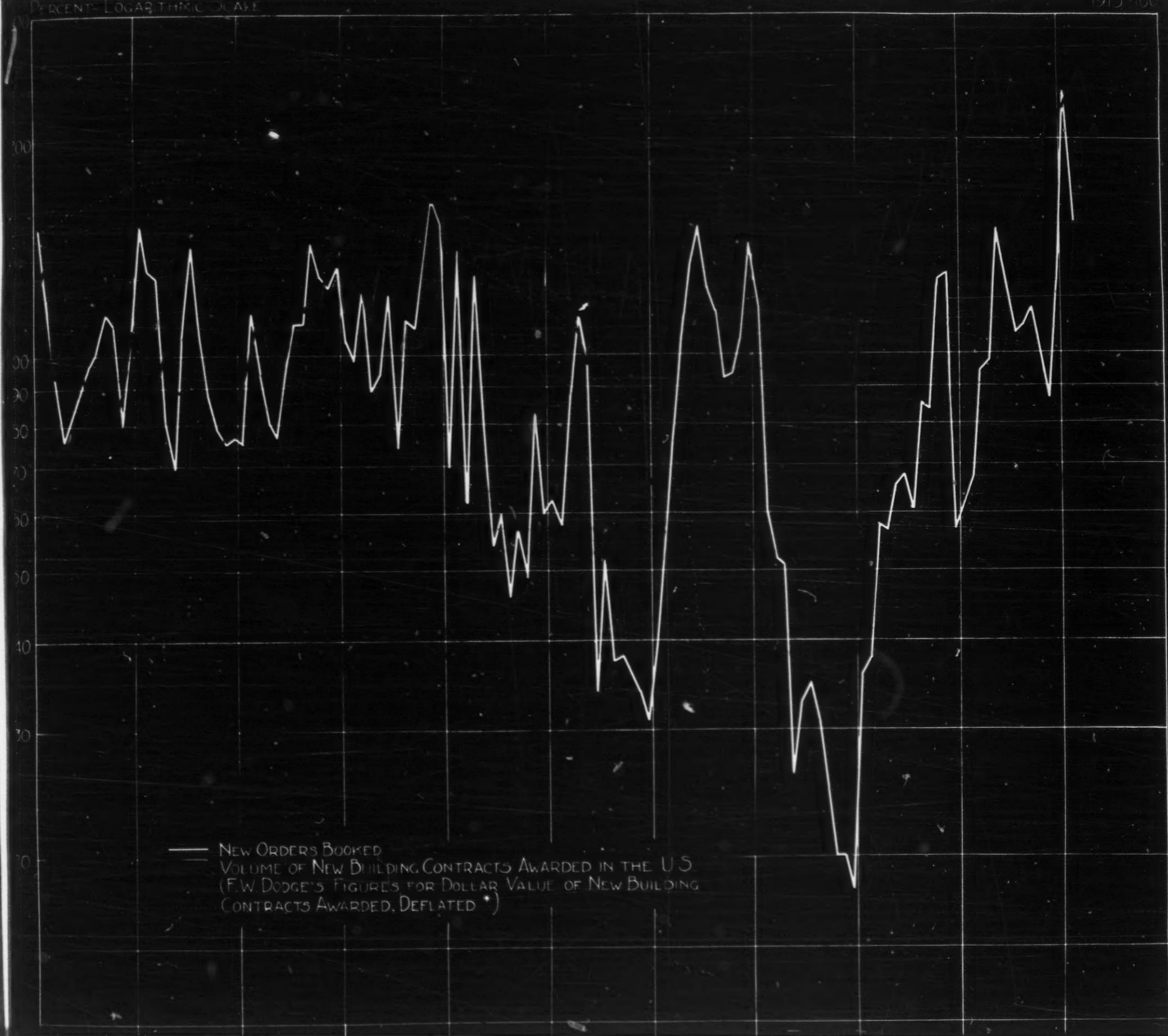


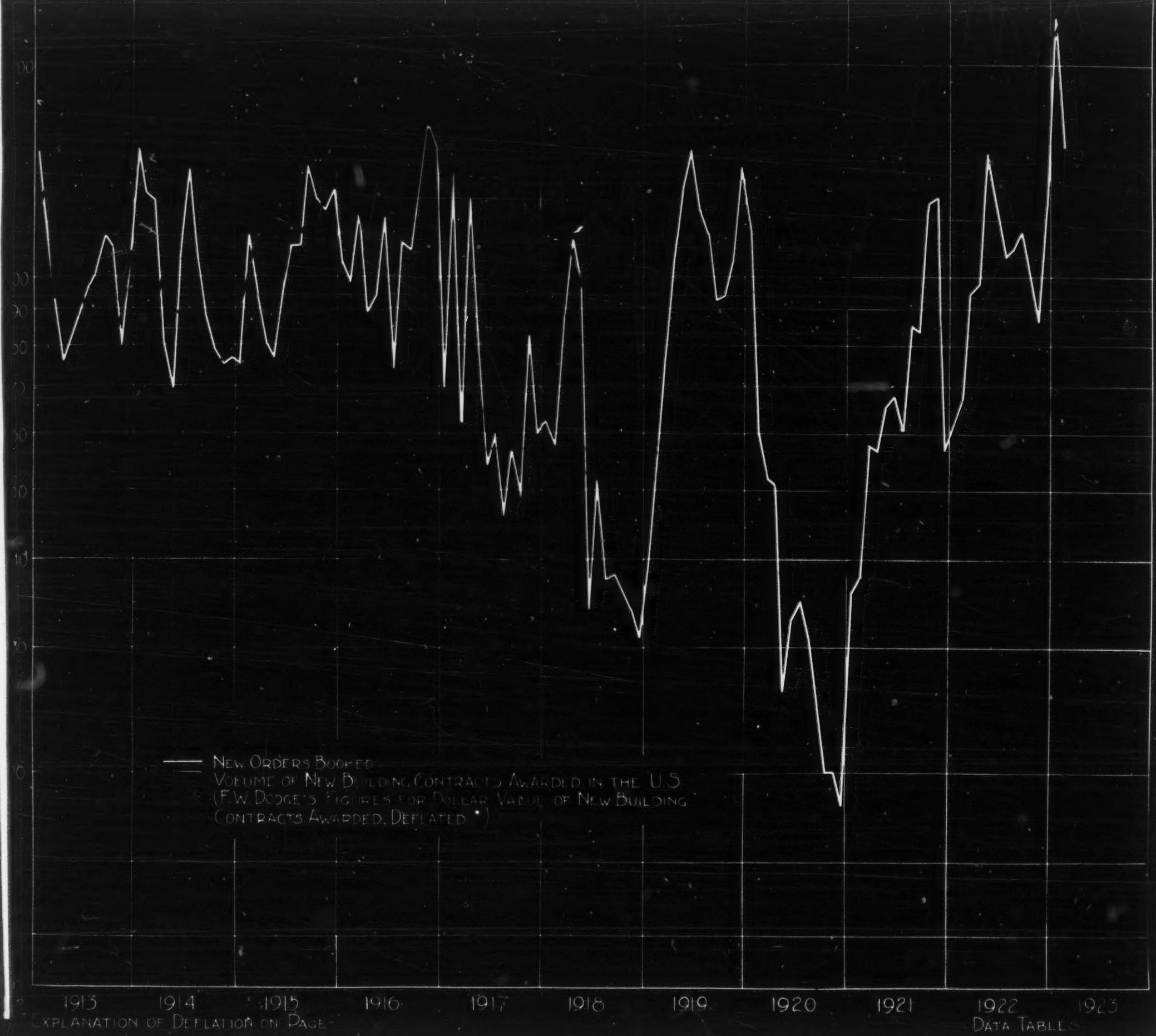
Stock on Hand



[fols. 6666-6669]

DEFENDANTS' GORDON EXHIBIT No. 12





[fols. 6670-6671] DEFENDANTS' GORDON EXHIBIT No. 13

Seasonal Variation Indices Computations

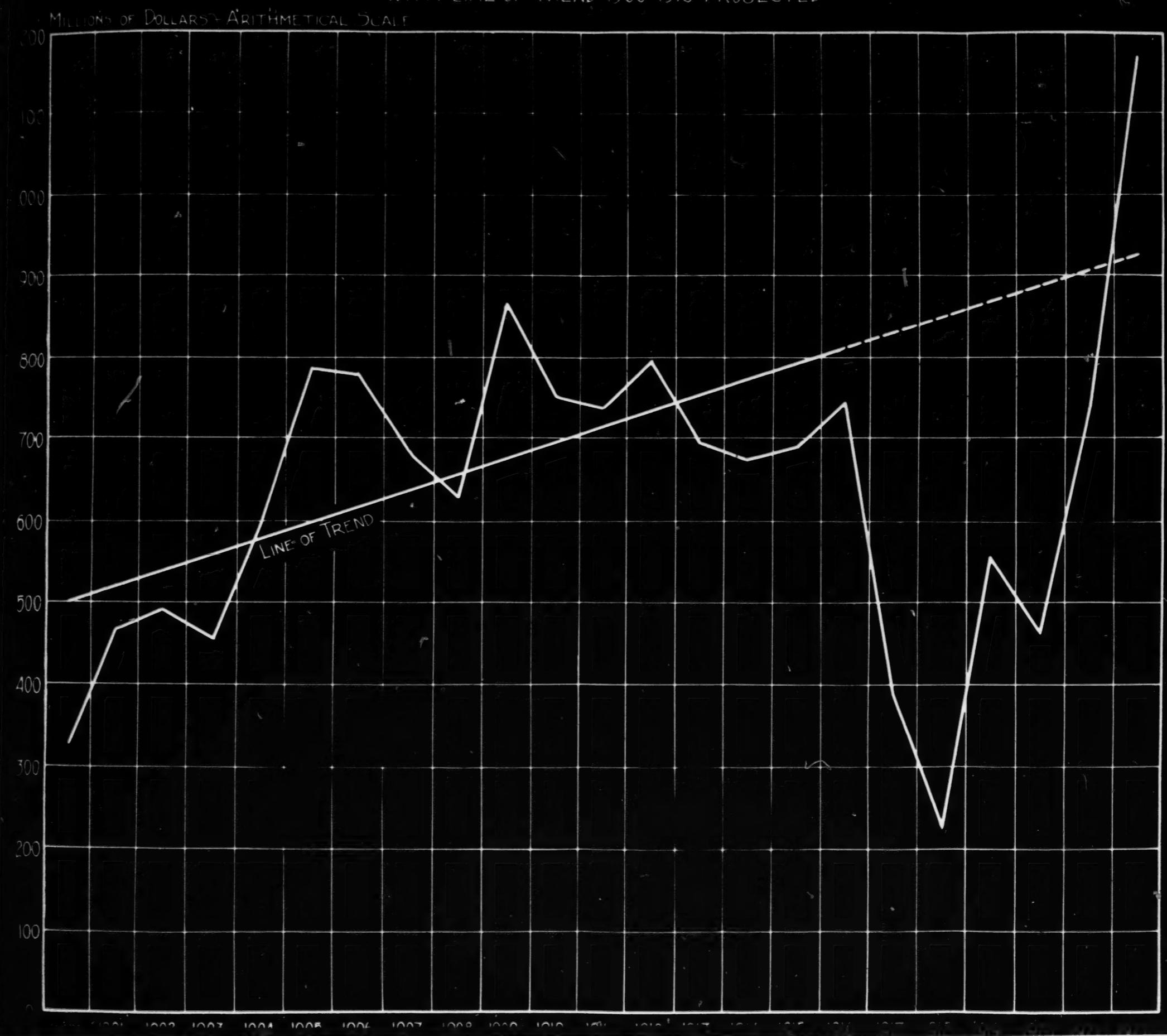
New Orders Booked

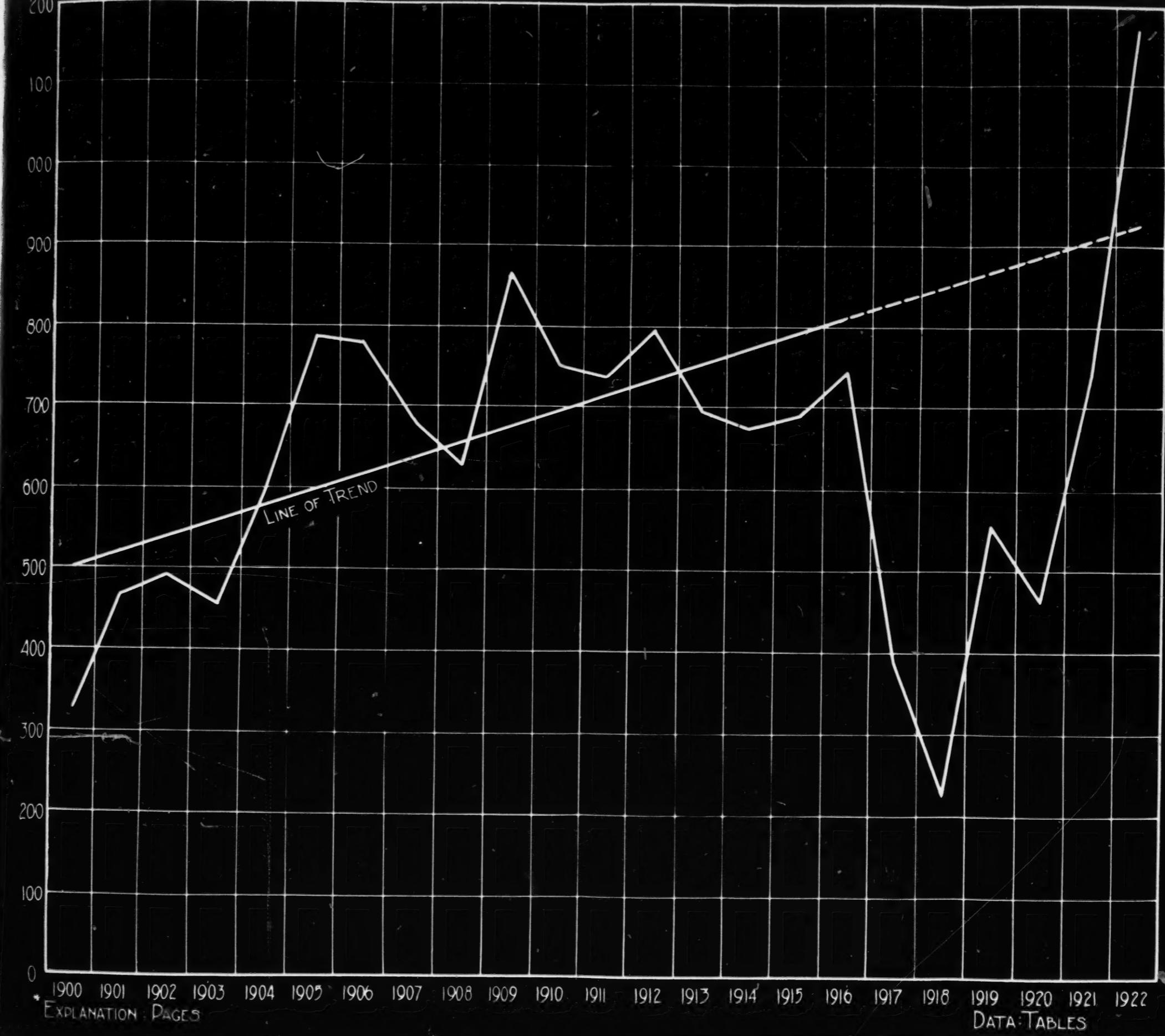
	Actual monthly totals	Each month expressed as a % of average monthly totals	Adjusted final index
Jan.	79,146	94.2	94
Feb.	77,471	92.2	92
March	84,081	100.0	100
Apr.	107,147	127.7	128
May	99,798	118.9	119
June	82,961	98.6	97
July	78,451	93.3	93
Aug.	80,255	95.5	96
Sept.	74,736	89.0	89
Oct.	78,661	93.6	94
Nov.	84,252	100.3	100
Dec.	82,073	97.6	98
12	1 909,032	1,200.9	1,200
Average Monthly			
Totals.	84,086	100.07	100

Production

	Actual monthly totals	Each month expressed as a % of average monthly totals	Adjusted final index
Jan.	78,850	95.7	96
Feb.	75,159	91.4	91
March	84,518	102.4	102
Apr.	81,433	98.8	99
May	81,422	98.7	99
June	85,646	104.0	104
July	79,600	96.6	97
Aug.	86,327	104.9	105
Sept.	82,228	99.8	100
Oct.	91,080	110.4	110
Nov.	81,954	99.4	99
Dec.	81,162	98.5	98
12	989,379	1,200.6	1,200
Average Monthly			
Totals.	82,448	100.05	100

[fols. 6672 & 6673] DEFENDANT'S GORDON EXHIBIT No. 14







[fol. 6674] DEFENDANTS' GORDON EXHIBIT No. 14½

[Omitted in printing]

[fol. 6675] DEFENDANTS' GORDON EXHIBIT No. 14 3/4

List of Cities Included in Compilation of "Value of Building Permits Granted in 50 Cities in United States"

1900-1922

1. Atlanta.	26. Nashville.
2. Baltimore.	27. Newark.
3. Boston.	28. New Bedford.
4. Buffalo.	29. New Haven.
5. Cambridge.	30. New Orleans.
6. Chicago.	31. New York.
7. Cincinnati.	32. Oakland.
8. Cleveland.	33. Omaha.
9. Columbus.	34. Philadelphia.
10. Dayton.	35. Pittsburgh.
11. Denver.	36. Portland.
12. Detroit.	37. Providence.
13. Fall River.	38. Reading.
14. Grand Rapids.	39. Richmond.
15. Hartford.	40. Rochester.
16. Indianapolis.	41. St. Joseph.
17. Jersey City.	42. St. Louis.
18. Kansas City, Kansas.	43. St. Paul.
19. Kansas City, Mo.	44. San Francisco.
20. Los Angeles.	45. Scranton.
21. Louisville.	46. Seattle.
22. Lowell.	47. Syracuse.
23. Memphis.	48. Toledo.
24. Milwaukee.	49. Washington.
25. Minneapolis.	50. Worcester.

[fol. 6676] DEFENDANTS' GORDON EXHIBIT No. 14-A

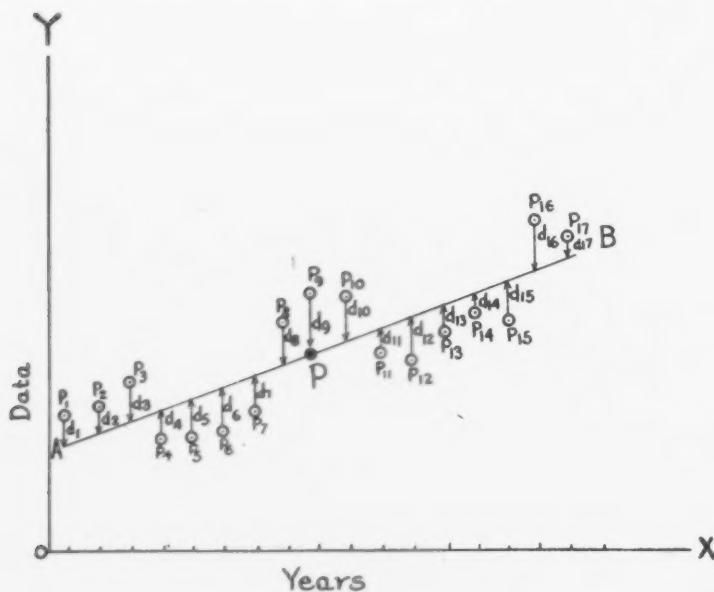
Method Used to Compute the Line of Secular Trend on Chart—Exhibit #14—for Building Permits Granted

The method of measuring this trend in new building was that of fitting a straight line to the data such that it was the line which "best fitted" the data. The secular trend line was computed by the

method of least squares (or method of moments).* This computation rests upon the principle that there is but one position for a straight line such that the sum of the squares of the distances (parallel to the y axis) from the data to this straight line are a minimum.

This statement may be understood better by reference to the figures below.

Let the points P_1, P_2, \dots, P_{17} be located by the data (in our case, the volume of Building Permits Granted) and d_1, d_2, \dots, d_{17} , be the distances (parallel to the y axis) from the points to any straight line AB. Through the point P, the coördinates of which are the arithmetic averages of the abscissas (years) and ordinates [fol. 6677] (Permits). Then $d_1 + d_2 + \dots + d_{17} = \pm 0$ for any position of AB. But there is only one position of AB for which $d_1^2 + d_2^2 + \dots + d_{17}^2 = \text{a minimum}$. The straight line satisfying that condition "fits" the data according to the criterion of least squares (or method of moments).



* For the technique of least squares see Weld: "Theory of Errors or Least Squares"; for the method of moments, Elderton: "Frequency Curves and Correlation"; Yule: "Theory of Statistics," for practical application to economic data and simple explanation of curve fitting, Harvard Committee on Economic Research: "Review of Economic Statistics," January, 1919, pp. 8-18 (especially p. 12), and George R. Davies: "Introduction to Economic Statistics."

In order to compute this line, the following formulæ are used:

$$\text{the midpoint} = b = \frac{Sy}{n}$$

$$\text{the annual increment} = m = \frac{Sxy}{Sx^2}$$

where y represents the annual items, n the number of items and x the time in years measured from the origin (the middle year 1908 in this case). S is a summation sign, meaning "the sum of such terms as"

This example will be made clearer if we take the volume of Building Permits Granted in fifty cities in the United States from 1900 to 1916 and actually work it out.

In the case of this series (see work sheet):

The sum off the annual totals 1900-1916 = $Sy = 11,157$.
The number of annual totals 1900-1916 = $n = 17$

$$\text{and } b = \frac{Sy}{n} = \frac{11,157}{17} = 656.3$$

(b is the ordinate of secular trend in the middle of the period, that is, 1908, and is nothing but the average of the series.)

$$\begin{aligned} \text{The sum of } xy &= Sxy = (+26,030) + (-18,086) = 79944 \text{ and} \\ Sx^2 &= (-8)^2 + (-7)^2 + (+7)^2 + (+8)^2 = 408 \text{ and } m = \frac{Sxy}{Sx^2} \\ &= \frac{7,944}{408} = 19.47 \\ &\quad (\text{m is the uniform increment each year}) \end{aligned}$$

We therefore know the ordinate of the line of secular trend for 1908 and may secure the others by merely adding the annual increment for each year forward and subtracting for each year in recession.

Add eight times increment (8×19.47) to secure the ordinate for 1916.

$$656.3 + 153.76 = 812.06$$

Subtract eight times increment to secure the ordinate for 1900.

$$656.3 - 153.76 = 500.54$$

Likewise all other points on the line may be computed.

The above formulæ were for annual data. If monthly data are used the formulæ become

$$\frac{6}{12} = \frac{S_y}{12n}$$

and

$$\frac{M}{144} = \frac{S_{xy}}{144S_x^2}$$

[fol. 6679] Thus, the ordinates of the line of trend of New Building Permits Granted in fifty cities were computed and the line projected through the later years from 1917 to 1923. The line represents what the volume of new building would ordinarily or normally have been. The distance between the ordinate of the line of trend and the ordinate of the actual series of building permits then represents the under or over construction of building in any year. The area between the line of trend and the actual data represents a rough approximation of the cumulative shortage.

[fol. 6680] Secular Trend Computations for Building Permits, 50 Cities, Deflated

1900-1916

Year	Y	X	XY	X ²
1900	327	—8	—2616	64
1901	466	—7	—3262	49
1902	490	—6	—2940	36
1903	457	—5	—2285	25
1904	597	—4	—2388	16
1905	765	—3	—2355	9
1906	779	—2	—1558	4
1907	682	—1	—682	1
			18086	
1908	628	0		
1909	864	+1	864	1
1910	751	+2	1502	4
1911	739	+3	2217	9
1912	794	+4	3176	16
1913	693	+5	3465	25
1914	672	+6	4032	36
1915	690	+7	4830	49
1916	743	+8	5944	64
	11157		+ 26030	408
			— 18086	
			+ 7944	

$$\frac{11157}{17} = 656.3 = \text{midpoint 1908}$$

$$\frac{+ 7944}{408} = 19.47 = \text{Annual Increment}$$

[fol. 6681] DEFENDANTS' GORDON EXHIBIT No. 15

[fol. 6682] Commodities which Had a Higher Relative Price Peak
Than Did "The Product"*

Commodity	Peak price (1913=100)	Year
Fertilizing materials, muriate of potash 80-85%.....	1013	1916
Potash caustic 88-92%.....	2425	1917
Hops, Pacific Coast.....	426	1920
Potatoes, white.....	424	1920
Cotton Flannel, colored—2 $\frac{3}{4}$ yds. to the lb.....	438	1920
Cotton Flannel, unbleached 3.8 yds. to the lb.....	428	1920
Cotton Muslin, fruit of the loom.....	403	1920
Cotton Muslin, Bleached: 4.4 Wamsutta <O> XX	427	1920
Woolen goods, underwear, union suits, 33% worsted..	470	1920
Coke, Connellsburg, furnace, Av. p. per short ton.....	443	1920
California crude petroleum.....	441	1920
Iron & steel augers—regular 1 inch.....	405	1920
Iron & steel butts, loose pin wrought steel, 3 $\frac{1}{2}$ X 3 $\frac{1}{2}$ in.....	566	1920
Common Mortise Locks.....	397	1920
Lumber gum sap. First and second.....	397	1920
Bleaching powder.....	418	1920
Formaldehyde.....	550	1920
Soda, ash, light.....	566	1920
Quinine, manufacturing quotations.....	394	1920
House furnishings, tickings, Amoskeag, A. C. A.....	398	1920
Shoes, Leather glazed kid, top grades, from Brazilian skins.....	429	1920
The "Product" of members of the M. F. M. A.....	397	1920

*Commodity Price Relatives taken from United States Bureau of Labor Statistics "Wholesale Price Bulletins." 1913=100.

Some Wholesale Commodities, etc.—Continued.

Commodity	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	Total	Average
Other Farm Products:												
Beans: Medium, choice.....	100.0	101.1	145.7	211.8	345.5	340.5	202.0	180.2	120.6	100.9	1,946.3	191.33
Cotton seed.....	100.0	93.6	112.8	190.3	267.6	363.7	300.9	237.4	101.8	100.8	1,888.9	186.89
[fol. 6886] Flaxseed: No. 1, Minneapolis market.....	100.0	113.1	132.0	165.2	220.3	202.1	336.0	281.1	137.0	183.6	1,970.4	197.04
Potatoes: White, good to choice.....	100.0	112.8	74.0	180.8	313.0	158.3	232.3	424.2	174.8	165.3	1,986.5	198.55
Potatoes: Sweet, Jersey, No. 1, 100.0	90.8	148.3	121.3	230.5	265.7	311.3	282.5	228.6	184.9	201.9	201.19	
Tobacco: Burley, dark red good leaf.....	100.0	111.0	104.4	115.4	168.9	277.0	245.0	258.9	221.9	208.3	1,810.8	181.08
Wool: Ohio, scoured fleece, fine clothing.....	100.0	98.3	112.0	131.7	238.2	292.3	279.9	271.1	128.2	197.5	1,850.1	185.01
Wool: Ohio, scoured fleece, fine delaine.....	100.0	105.2	125.9	150.6	279.1	342.2	343.0	345.2	168.6	225.2	2,184.9	218.46
Wool: Ohio, scoured fleece, half-blood.....	100.0	108.2	131.3	158.4	277.2	351.2	337.4	312.4	153.0	200.0	2,138.1	213.81
Wool: Ohio, scoured fleece, medium (1 and 1/2 grades)....	100.0	83.4	121.3	144.3	243.1	300.7	248.4	203.0	106.0	163.6	1,723.8	172.38
Foods:												
Other Foods:												
Bread: Loaf, before baking, New Orleans.....	100.0	103.6	120.2	130.5	184.6	212.1	227.2	264.6	218.0	199.7	1,709.5	176.95
Crackers: Oyster.....	100.0	100.0	100.7	111.5	175.7	228.2	234.5	239.2	212.8	184.6	1,726.2	172.62
Crackers: Soda.....	100.0	100.9	100.7	111.5	175.7	228.2	234.5	239.2	212.8	184.6	1,726.2	172.62
[fol. 6887] Flour: Rye, Minneapolis.....	100.0	112.7	160.0	183.4	310.5	323.3	269.0	326.7	229.0	170.1	2,191.6	219.16
Flour: Wheat, winter, straights, Kansas City.....	100.0	107.2	145.9	158.3	274.3	267.8	278.0	301.0	182.8	159.3	1,974.6	197.46
Flour: Wheat, second patents, Minneapolis.....	100.0	111.7	147.1	160.3	254.0	229.3	271.0	277.4	180.3	157.4	1,888.5	188.85

Flour: Wheat, patent, Portland, Oregon.....	100.0	108.4	120.7	126.5	220.9	221.7	241.6	276.0	184.1	172.8	1,772.7	177.27
Flour: Wheat, second patent, St. Louis.....	100.0	96.5	130.9	140.3	238.0	242.4	236.1	258.8	155.5	134.4	1,732.9	173.29
Fruits: Dried, currants: In barrels.....	100.0	98.2	112.0	180.0	288.0	308.2	291.4	291.4	200.4	189.3	2,018.9	201.89
Meal: Corn, white table, Philadelphia.....	100.0	110.2	121.1	144.6	277.9	325.4	259.1	264.3	140.3	124.0	1,906.9	186.69
Vegetables: Canned, corn, No. 2, standard.....	100.0	114.3	123.2	134.0	254.5	280.0	215.5	174.9	138.0	143.3	1,677.7	167.77
Vegetable oil: Corn, crude.....	100.0	101.6	103.8	158.2	239.2	297.0	288.1	246.8	139.0	166.2	1,839.9	183.99
Vegetable oil: Cottonseed, summer yellow, prime.....	100.0	91.4	98.9	146.8	211.7	277.4	331.9	211.7	109.1	138.8	1,712.7	171.27
Vinegar oil: Soya bean, crude, 100.0	102.9	102.1	145.6	232.2	298.7	272.6	247.6	129.7	178.1	1,809.5	180.95	
Vinegar: Cider, series No. 2...	100.0	116.1	101.5	116.4	154.5	290.5	277.1	291.2	206.1	247.1	1,900.5	190.05
[fol. 6088]												
Cloths and Clothing												
Boots and Shoes:												
Children's: Gun metal, button, Black vich, button.....	100.0	104.9	105.8	130.1	185.8	195.4	255.5	288.5	213.5	181.7	1,4761.2	176.12
Misses: Black cuff, Goodyear welt, blucher.....	100.0	100.0	105.6	138.9	182.7	197.9	265.9	302.1	219.8	173.2	1,790.1	178.01
Men's: Black cuff, Goodyear welt, blucher.....	100.0	102.0	104.5	119.3	152.6	180.8	244.3	287.6	224.9	200.0	1,725.0	172.50
Men's: Gun metal, Goodyear welt, blucher.....	100.0	108.5	115.1	136.8	171.4	207.4	300.9	340.4	253.0	233.8	1,907.3	190.73
Men's: Gun metal, Goodyear welt, hal.....	100.0	105.3	110.2	120.3	161.5	178.9	256.4	286.2	229.5	216.0	1,773.3	177.33
Men's: Viet kid, black, Goodyear welt.....	100.0	104.1	108.3	122.2	176.7	189.8	252.8	290.8	223.1	203.5	1,771.3	177.13
Women's: Goodyear welt, kid, lace.....	100.0	104.6	108.0	127.0	160.9	193.3	270.3	309.8	239.8	204.9	1,818.6	181.86
Women's: McKay sewed, kid, lace.....	100.0	105.0	111.5	140.7	195.9	223.6	303.2	359.6	267.1	224.0	2,031.5	203.15
Women's: Patent leather pump, McKay sewed.....	100.0	106.1	109.1	138.8	200.0	213.6	296.7	353.9	201.5	261.8	2,071.5	207.15

Some Wholesale Commodities, etc.—Continued

Commodity	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	Total	Average
<i>Cotton Goods:</i>												
Calico: American standard prints	100.0	96.5	95.3	124.5	182.6	316.2	298.2	281.2	173.0	169.5	1,828.0	183.80
Denims: Massachusetts,	100.0	98.8	115.9	177.6	232.4	286.4	273.8	378.0	138.5	157.9	1,939.3	193.93
[fol. 680] Flannel: Colored, 24 yards to the pound,	100.0	100.4	81.4	117.7	179.2	317.2	284.4	436.9	183.2	168.1	1,908.5	196.85
Flannel: Unbleached, 3.80 yards to the pound,	100.0	97.9	96.0	108.2	160.4	327.3	296.5	428.1	204.6	183.7	2,001.7	200.17
Ginghams: Lancaster,	100.0	96.6	96.1	120.4	184.9	286.6	286.1	372.7	198.2	219.9	1,941.5	194.15
Hosiery: Men's, combed yarn, fast black, 188 needles,	100.0	98.7	102.0	128.7	190.6	236.7	261.8	334.1	205.7	205.1	1,863.4	186.34
Hosiery: Women's, seamless, single-thread, $\frac{1}{4}$ -ounce, 220 needles, combed,	100.0	98.6	101.5	133.0	188.1	218.3	243.6	323.9	185.7	178.0	1,770.7	177.07
Muslin: Bleached, 4-4, Fruit of the Loom,	100.0	106.3	80.9	110.3	160.5	269.5	316.6	402.7	194.0	200.0	1,958.8	195.88
Muslin: Bleached, 4-4, Lonsdale 100.0	102.8	90.0	110.6	172.4	284.4	301.0	365.3	184.2	183.7	1,804.4	180.44	
Rider: Bleached, 4-4, Rough	100.0	99.5	87.9	113.3	187.5	281.1	306.4	333.7	168.8	176.7	1,854.9	185.49
Muslin: Bleached, 4-4, Wamsutta O XX,	100.0	100.0	80.6	112.2	175.7	270.1	319.5	426.7	256.1	245.5	2,005.4	200.54
Print cloths: 27-inch,	100.0	88.1	82.5	121.5	192.2	327.5	287.0	363.8	148.7	180.9	1,902.2	190.22
Sheetings: Brown, 4-4, Indian Head,	100.0	94.8	80.9	104.7	171.6	279.3	275.1	342.5	156.1	153.0	1,758.0	175.80
Sheetings: Brown, 414, Pepperell R,	100.0	93.5	82.7	113.1	185.1	274.6	262.6	297.3	155.8	170.4	1,735.1	173.51
[fol. 680] Sheetings: Brown, 4-4, Ware Shools L, L,	100.0	91.2	84.0	117.6	192.7	317.3	273.5	343.5	142.2	168.4	1,830.4	183.04
Underwear: Men's shirts and drawers,	100.0	100.0	98.5	108.5	157.1	300.6	289.7	318.1	181.1	176.5	1,816.1	181.61
Yarns: Carded, white, mule-spun, northern, cones, 10/l.,	100.0	88.9	78.0	119.6	179.4	270.5	214.3	282.2	131.2	163.0	1,654.1	165.41

Yarns: Carded, white, mule-spun, northern, cones, 22/1, 100.0	88.0	80.0	120.0	181.2	207.5	240.8	282.8	133.6	100.5	1,655.4
Yarns: Carded, twisted, ordinary for weaving, 20/2, 100.0	88.7	77.5	124.3	180.6	208.7	207.0	209.5	117.7	156.8	1,720.8
Yarns: Carded, twisted, ordinary for weaving, 40/2, 100.0	97.5	88.0	140.9	186.4	234.9	240.3	370.9	100.9	143.3	1,712.1
										171.21
Woolen Goods:										
Suiting: Clay worsted, diagonal, 12-ounce	91.7	103.8	128.5	201.7	282.1	208.3	324.9	176.6	172.0	1,799.6
Suiting: Clay worsted, diagonal, 16-ounce	92.8	107.1	144.4	226.1	308.4	227.9	361.5	192.2	196.5	1,866.9
Suiting: Middlesex, wool-dyed, blue, 16-ounce, 55-56 inch	101.2	127.8	201.4	261.5	259.5	270.5	189.8	200.7	1,809.8	180.08
Suiting: Serge, 11-ounce, Fulton Mills, 3102	105.4	133.8	201.0	300.0	261.4	325.4	196.8	200.9	1,923.3	192.33
Underwear: Union suits, 23 per cent worsted	100.0	110.7	162.8	239.6	239.6	170.8	274.6	284.4	2082.5	208.35
1 fol. 66911. Women's dress goods: Broadcloth, 54-56 in, 100.0	95.3	107.6	136.2	190.8	252.2	262.4	279.6	176.5	150.2	1,730.8
Women's dress goods: All wool, French serge, 35-36 inches, 100.0	92.5	95.3	129.2	216.3	271.8	273.3	328.1	219.9	200.9	1,927.3
Women's dress goods: All wool, Storm serge, double warp, 50-inch	88.9	99.1	135.4	193.4	260.4	231.2	258.3	176.7	149.0	1,655.4
Women's dress goods: Cotton warp, dollar cloth, worsted filling, 36-inch	100.00	101.7	108.8	184.2	234.2	221.9	282.9	180.5	173.3	1,693.5
Worsted yarns: 2-50a, fine domestic	93.1	107.1	147.0	223.3	341.5	344.6	378.1	196.4	220.1	2,151.2
										215.12
Silk, etc.:										
Silk: Spun, yarn, domestic, gray spun, 60/1, No. 1, 100.0	110.4	102.9	132.0	190.1	232.7	262.1	265.1	144.0	149.2	1,688.5
										168.85

Some Wholesale Commodities, etc.—Continued

Commodity	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	Total	Average
Fuel and Lighting												
Bituminous Coal:												
New River: F. O. B. Cincinnati	100.0	99.5	101.6	127.1	215.2	169.9	188.3	200.6	228.5	236.5	1,727.2	172.72
Other Fuel and Lighting:												
Coke: Connellsville furnace...	100.0	74.1	73.2	123.0	328.2	245.9	194.2	443.4	149.0	282.5	2,043.5	204.35
Petroleum: Crude, California...	100.0	110.7	101.8	176.7	256.4	326.7	360.9	440.9	401.5	262.9	2,548.5	254.86
Petroleum: Crude, Kansas-Oklahoma	100.0	85.5	62.4	134.7	190.0	225.2	243.9	364.3	185.3	192.2	1,783.5	179.35
[fol. 6682] Metals and Metal Products:												
Iron and Steel:												
Augers: Regular 1-inch.....	100.0	100.0	100.0	100.0	124.3	165.2	267.4	307.9	404.6	370.3	348.9	2,288.6
Butts: Loose-pin, wrought steel, 3½ by 3½ inch.....	100.0	100.0	133.3	229.2	390.5	444.4	474.1	566.1	415.5	375.0	3,228.1	228.86
Chisels: Socket firmer, regular, 1-inch	100.0	100.0	100.0	100.0	100.0	164.4	195.1	210.2	250.1	234.8	206.3	170.17
Hammers: Maypole, No. 14.....	100.0	100.0	100.0	100.0	129.5	179.0	210.4	229.2	266.4	262.0	232.9	180.94
Locks: Common mortise.....	100.0	100.0	106.9	175.0	267.3	304.2	310.4	397.2	302.7	276.4	2,340.1	234.01
Pig Iron: Basic	100.0	87.5	93.4	134.4	264.5	221.1	188.3	287.4	147.3	165.0	1,688.9	168.89
Pig Iron: Foundry, No. 2, northern, Pittsburgh	100.0	86.9	92.9	131.6	258.6	215.3	189.4	290.5	156.8	168.8	1,680.8	168.08
Pig Iron: Foundry, No. 2, southern, Birmingham	100.0	97.3	91.3	134.2	290.9	283.1	243.8	348.0	189.8	168.6	1,946.0	164.60
Pig Iron: Foundry, No. 2, southern, Cincinnati	100.0	89.9	91.1	125.3	260.4	245.1	215.9	298.7	178.5	161.0	1,765.9	176.59
Ferromanganese	100.0	87.5	172.6	397.5	561.4	476.1	243.8	331.5	136.4	122.9	2,639.7	263.97
Splegeleisen, 18 and 22 per cent	100.0	104.8	200.1	299.0	314.9	168.1	280.5	125.0	135.0	182.74	182.74	
Bar Iron: Best refined, from store, Philadelphia	100.0	83.3	90.6	170.3	241.7	251.0	190.0	251.6	154.2	135.9	1,677.6	167.76

Bar iron : From mill, Pittsburgh, [fol. 6693]	common	100.0	77.0	78.8	156.4	246.1	232.7	204.8	206.7	158.8	137.6	1,658.9	165.89
Pipe : Cast-iron, 6-inch	100.0	89.4	98.2	135.3	236.9	250.7	246.0	316.8	231.3	220.1	1,385.7	188.57	
Planes: Jack planes, Sargent No. 414	100.0	100.0	100.0	100.0	120.0	152.1	186.7	229.0	204.7	239.3	198.7	1,720.5	172.05
Steel: Plates, tank, one fourth Inch thick	100.0	78.4	85.8	218.9	376.4	218.9	183.1	221.6	130.4	116.9	1,730.4	173.04	
Steel: Sheets, box annealed, No. 27	100.0	85.4	85.8	135.2	297.3	225.6	200.0	243.8	160.3	145.7	1,679.1	167.91	
Wire: Fence, plain, annealed, Nos. 6 to 9. F. O. B. Pittsburgh, 100.0	90.8	97.1	159.8	228.1	214.9	205.9	222.0	185.2	152.7	1,676.5	165.65		
Nonferrous Metals:													
Quicksilver	100.0	117.8	200.4	323.0	287.0	318.8	214.4	189.6	106.3	139.2	2,005.5	200.55	
Zinc : Sheet	100.0	95.5	223.0	250.3	249.7	196.5	155.8	156.5	130.5	102.5	1,649.3	164.93	

Building Materials

Lumber:

Gum : San, first and seconds, St. Louis	91.1	89.7	109.9	146.5	171.1	246.4	397.3	214.8	223.0	1,792.8	179.28	
Maple: Hard and soft, New York and Chicago	100.4	105.8	129.6	156.7	179.0	374.7	262.3	175.7	1,684.6	168.46		
Brick, Common:												
Red : Domestic, New York	100.0	84.3	92.2	122.4	135.4	181.7	243.2	231.0	231.7	267.0	1,788.9	178.89

[fol. 6694] Other Building Materials:

Glass : Window, American, single, 25-inch, 6 by 8 to 10 by 15 inches A	100.0	112.1	138.5	181.3	278.0	288.2	303.5	259.9	177.2	1,638.7	193.87
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Some Wholesale Commodities, etc.—*Continued*

Commodity	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	Total	Average
<i>Other Building Materials—Cont'd.:</i>												
Glass: Window, American, single B, 25-inch by 8 to 10 by 15 inches	100.0	97.6	109.1	112.3	149.7	256.2	280.4	295.2	252.8	158.6	1,811.9	181.19
Paint materials: Linseed oil, raw, New York	100.0	108.6	121.6	162.5	229.5	345.6	382.8	315.7	151.5	183.8	2,111.6	211.16
Paint materials: Turpentine, spirits of	100.0	110.6	107.4	114.7	114.0	138.9	282.8	405.3	159.2	268.2	1,801.1	180.11
<i>Chemicals and Drugs</i>												
<i>Chemicals:</i>												
Acid: Acetic, 28 per cent	100.0	80.4	125.3	309.3	267.5	290.7	155.2	174.7	131.4	135.6	1,770.1	177.01
Alcohol: Wood, refined, 95 per cent	100.0	94.1	95.8	140.2	218.6	212.1	260.2	534.5	167.4	133.1	1,962.0	196.20
Alum: Lump, New York	113.1	170.3	232.1	240.6	262.9	234.9	236.0	218.3	195.4	202.6	2,024.6	202.46
Bleaching powder: New York	100.0	200.0	520.0	216.8	250.4	164.8	418.2	192.6	156.2	231.9	2,311.90	231.90
Formaldehyde: New York	100.0	100.0	103.9	129.7	177.4	206.8	208.6	549.5	160.3	148.9	1,915.1	191.51
Potash: Caustic, 88-92 per cent, New York	100.0	213.3	844.1	2,323.5	2,424.6	2,141.0	1,115.5	737.9	186.3	164.9	1,027.1	1,027.11
Soda: Carbonate of (sul soda), New York	100.0	100.0	100.0	174.3	186.1	228.5	229.4	289.4	293.4	205.5	1,916.6	191.06
[fol. 6035] Soda: Soda ash, light, 58 per cent, New York	100.0	98.6	118.9	523.2	524.3	458.4	344.7	565.8	406.6	326.8	3,477.3	347.73
Soda: Bicarbonate of, American	100.0	100.0	103.0	158.0	213.0	297.0	253.0	254.0	215.0	182.0	1,875.0	187.50
Soda: Caustic, 76 and 98 per cent solid, New York	100.0	97.9	214.4	331.5	436.3	305.5	211.6	301.6	261.6	247.9	2,568.3	256.83
Soda: Silicate of, 40°, New York	100.0	101.3	130.8	104.7	296.0	349.0	291.4	192.9	171.6	127.2	1,894.9	189.49

Fertilizer Materials:

Acid: Phosphate, 16 per cent basis, New York.....	100.	93.9	107.0	154.5	182.6	231.5	223.2	255.8	167.8	115.5	1,631.8	163.18
Potash: Muriate of, 80 to 85 per cent, K. C. L., Bags, New York	100.0	102.3	515.5	1,012.8	1,000.9	789.0	415.0	304.6	130.2	88.1	4,458.4	445.84

64

— 920

Drugs and Pharmaceuticals:

Acid: Tartaric, crystals, U. S. P., New York.....	100.0	107.4	142.7	205.8	247.6	298.7	270.0	233.5	122.5	100.8	1,799.0	179.90
Cream of Tartar: Powdered, New York.....	100.0	113.9	135.1	169.5	198.5	208.7	243.5	230.4	141.6	112.0	1,711.2	171.12
Epsom salts: U. S. P., New York	100.0	140.9	292.4	250.8	327.7	318.2	254.7	304.9	231.1	252.4	2,463.1	245.31
Glycerine: Refined, New York.....	100.0	109.0	150.2	257.7	310.1	303.4	100.1	129.6	82.6	84.2	1,626.9	162.69
Opium: Natural, in cases, New York	100.0	122.2	134.5	188.4	425.2	405.8	187.2	120.0	98.5	101.7	1,883.5	188.35
[fol. 6396] Phenol: U. S. P., New York..	100.0	180.7	1,129.6	720.0	400.0	427.4	101.7	105.6	89.3	100.3	3,414.6	341.46
Quinine: Manufacturers' quotations, New York	100.0	124.1	149.5	311.2	326.4	383.6	377.4	394.1	316.2	246.9	2,729.4	272.94

House Furnishing Goods

Furniture:

Bedroom: Chairs, quartered oak rocker, Chicago.....	100.0	100.0	100.0	115.2	145.5	181.1	212.3	320.1	248.2	217.2	1,739.6	173.96
Bedroom: Sets, iron bedstead, quartered oak dresser and plain oak washstand, Chicago.....	100.0	97.0	97.0	119.5	140.4	194.0	241.0	358.8	217.9	183.3	1,758.9	175.89
Dining Room: Chair, all gum, leather slip seat, factory.....	100.0	100.0	100.0	101.7	125.0	159.2	217.8	340.0	240.0	211.7	1,695.4	169.54
Kitchen: Chairs, hardwood, bow back, Chicago	100.0	100.0	100.0	109.9	137.5	183.1	215.1	360.0	258.7	231.5	1,796.8	179.68

Some Wholesale Commodities, etc.—Continued

Furniture—Continued:

Kitchen: Tables, hardwood base, 24 by 24 inches, Chicago

100.0

100.0

107.5

132.8

192.5

290.1

368.7

295.7

260.3

1,917.6

191.76

Furnishings:

Commodity	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	Total	Average
Furniture—Continued:												
Blankets: Cotton, 2 pounds to the pair, New York	100.0	105.8	88.8	121.4	204.0	313.0	280.1	336.4	211.2	260.5	1,970.2	197.02
Blankets: Woolen, 4 to 5 pounds to the pair, factory	100.0	96.8	109.5	131.0	191.9	250.0	238.1	249.1	174.4	152.4	1,666.2	166.62
[fol. 99971] Carpets: Axminster, Bigelow, three-quarter, Brussels, 5-frame	100.0	97.8	100.7	127.5	152.2	192.4	223.3	293.9	244.3	216.8	1,748.9	174.89
Bigelow	100.0	98.1	100.3	119.5	142.3	202.9	263.7	320.6	274.9	214.2	1,846.5	184.65
Table cutlery: Knives and forks, cocobolo handles, factory	100.0	101.1	100.0	119.6	175.4	214.5	221.4	256.3	243.5	240.1	1,751.9	175.19
Pails: Galvanized iron, factory	100.0	100.5	129.2	179.4	272.1	323.8	246.6	292.0	165.7	139.2	1,900.4	190.94
Sheeting: Bleached, 10-4, Pepperell, New York	100.0	105.9	96.9	124.5	160.2	250.9	242.8	303.3	180.5	186.2	1,751.2	175.12
Sheeting: Bleached, 10-4, Watson's, T. T., factory	100.0	105.7	93.5	117.3	178.5	254.3	282.3	374.5	279.8	277.4	2,063.3	206.33
Glassware: Nipples, 4-inch, factory	100.0	109.1	122.7	146.6	188.6	227.3	250.0	285.8	286.4	238.6	1,965.1	195.51
Glassware: Tumblers, 1/3-pint, common, factory	100.0	100.0	91.7	104.2	183.3	291.8	272.9	296.7	214.9	172.9	1,768.4	176.84
Tickles: Amoskeg, A. C. A., 2.85 yards to the pound, New York	100.0	98.7	87.4	120.7	225.0	302.0	260.0	398.0	174.3	189.4	1,936.0	193.60
Tubs: Galvanized iron, No. 3, factory	100.0	104.7	133.8	193.6	257.9	374.1	268.6	325.3	182.5	149.3	2,089.8	208.98

[fol. 638] Miscellaneous

Leather:

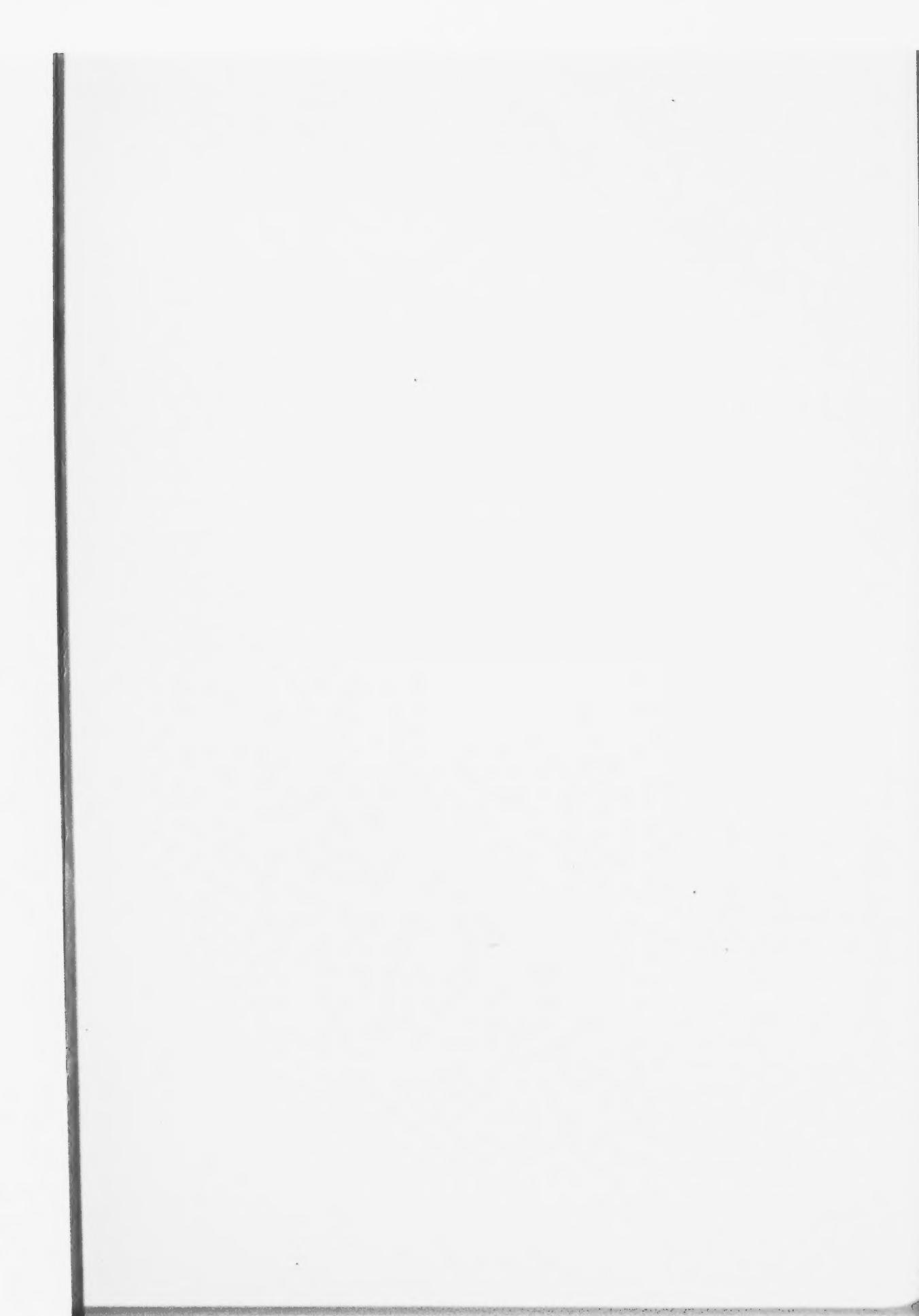
Calf: Chrome, B grade, Boston 100.0 103.9 105.7 106.9 214.7 223.8 259.6 265.5 163.2 164.1 1,985.4 109.54
 Glazed: Kid, top grades, from
 Brazilian skins, Boston, 100.0 103.8 107.7 108.4 274.6 294.6 405.4 428.5 277.1 281.2 2,441.3 244.13

Paper and Pulp:

Paper: Wrapping, Manila, No.
 1 jute, New York, 100.0 100.2 100.2 102.5 297.8 214.8 244.9 301.4 181.4 183.1 1,794.3 179.43

Other Miscellaneous:

Lubricating oil: Paraffin, New
 York, 100.0 105.8 102.9 149.8 150.9 239.5 214.6 304.7 198.1 161.4 1,718.7 171.87
 Soap: Mexican, current ship-
 ment, New York, 100.0 117.8 236.8 208.6 408.8 422.3 290.7 182.4 140.7 149.5 2,147.6 214.76



[fols. 6699 & 6700] DEFENDANTS' GRANT KEEHN EXHIBIT NO. 17

300

DOLLARS PER 1 FT - LOGARITHMIC SCALE

200

100

0

0

0

0

0

0

0

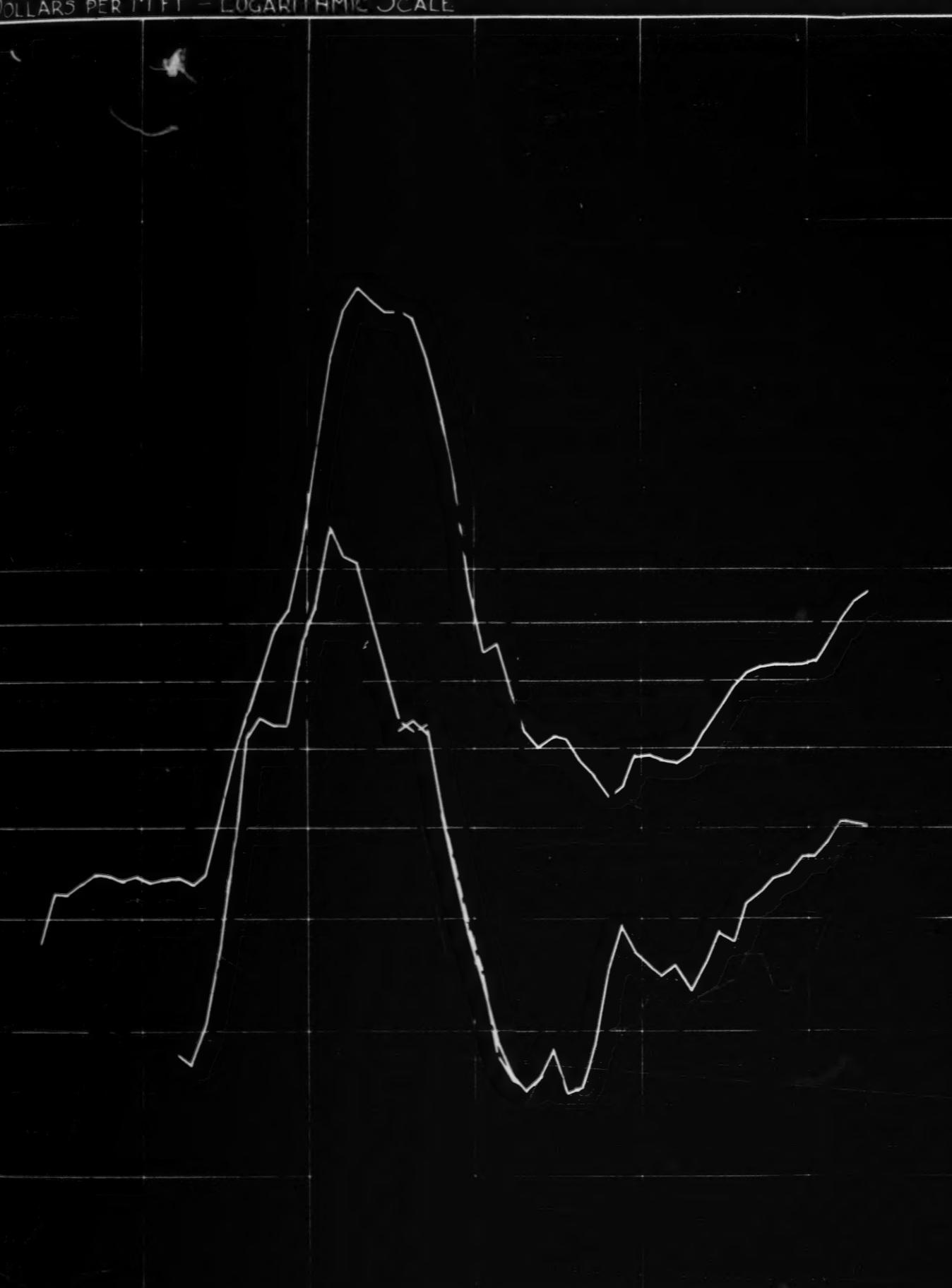
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— THE PRODUCT - MAPLE FLOORING
50% CLEAR, 35% NO. 1, AND 15% FACTORY $\frac{13}{16} \times 2\frac{1}{4}$
F.O.B. MILLS

OAK FLOORING
AVERAGE OF CLEAR PLAIN WHITE AND RED, SELECT
PLAIN WHITE AND RED, AND NO. 1 COMMON $\frac{13}{16} \times 2\frac{1}{4}$
CINCINNATI MARKET MARCH 1919-DEC. 1920
F.O.B. MILLS MAY 1920-MAY 1923

ARKANSAS SOFT PINE FLOORING
AVERAGE OF E.G., B+BTR., AND F.G., B+BTR. 1×4"
F.O.B. MILLS

— SOUTHERN YELLOW PINE FLOORING
AVERAGE OF E.G., B+BTR., F.G., B+BTR., AND F.G. NO. 1
COMMON 1×4"
F.O.B. MILLS, ALEXANDRIA, LA., MARCH 1919-MARCH 1921
AVERAGE F.O.B. MILLS ALEXANDRIA, HATTIESBURG,
KANSAS CITY, AND BIRMINGHAM JULY 1920-MAY 1923.
ARKANSAS SOFT PINE INCLUDED AFTER NOV. 1922

DOUGLAS FIR FLOORING
AVERAGE OF VG NOS. 1, 2, AND 3 CLEAR AND F.G.
NO. 2 CLEAR + BTR. 1×4", 10 TO 16'
F.O.B. MILLS, SEATTLE

— OVERLAP
---- DATA NOT AVAILABLE

DATA COMPILED FROM LAST WEEK IN MONTH
ISSUES OF "LUMBER".

F.O.B. MILLS

OAK FLOORING

AVERAGE OF CLEAR PLAIN WHITE AND RED, SELECT
 PLAIN WHITE AND RED, AND NO 1 COMMON $\frac{13}{16} \times 2\frac{1}{4}$
 CINCINNATI MARKET MARCH 1919-DEC 1920
 F.O.B. MILLS MAY 1920-MAY 1923

ARKANSAS SOFT PINE FLOORING

AVERAGE OF E.G., B+BTR., AND F.G., B+BTR. 1 \times 4"
 F.O.B. MILLS

SOUTHERN YELLOW PINE FLOORING

AVERAGE OF E.G., B+BTR., F.G., B+BTR., AND F.G. NO.1
 COMMON 1 \times 4"
 F.O.B. MILLS, ALEXANDRIA, LA. MARCH 1919-MARCH 1921
 AVERAGE F.O.B. MILLS ALEXANDRIA, HATTIESBURG,
 KANSAS CITY, AND BIRMINGHAM JULY 1920-MAY 1923,
 ARKANSAS SOFT PINE INCLUDED AFTER NOV. 1922

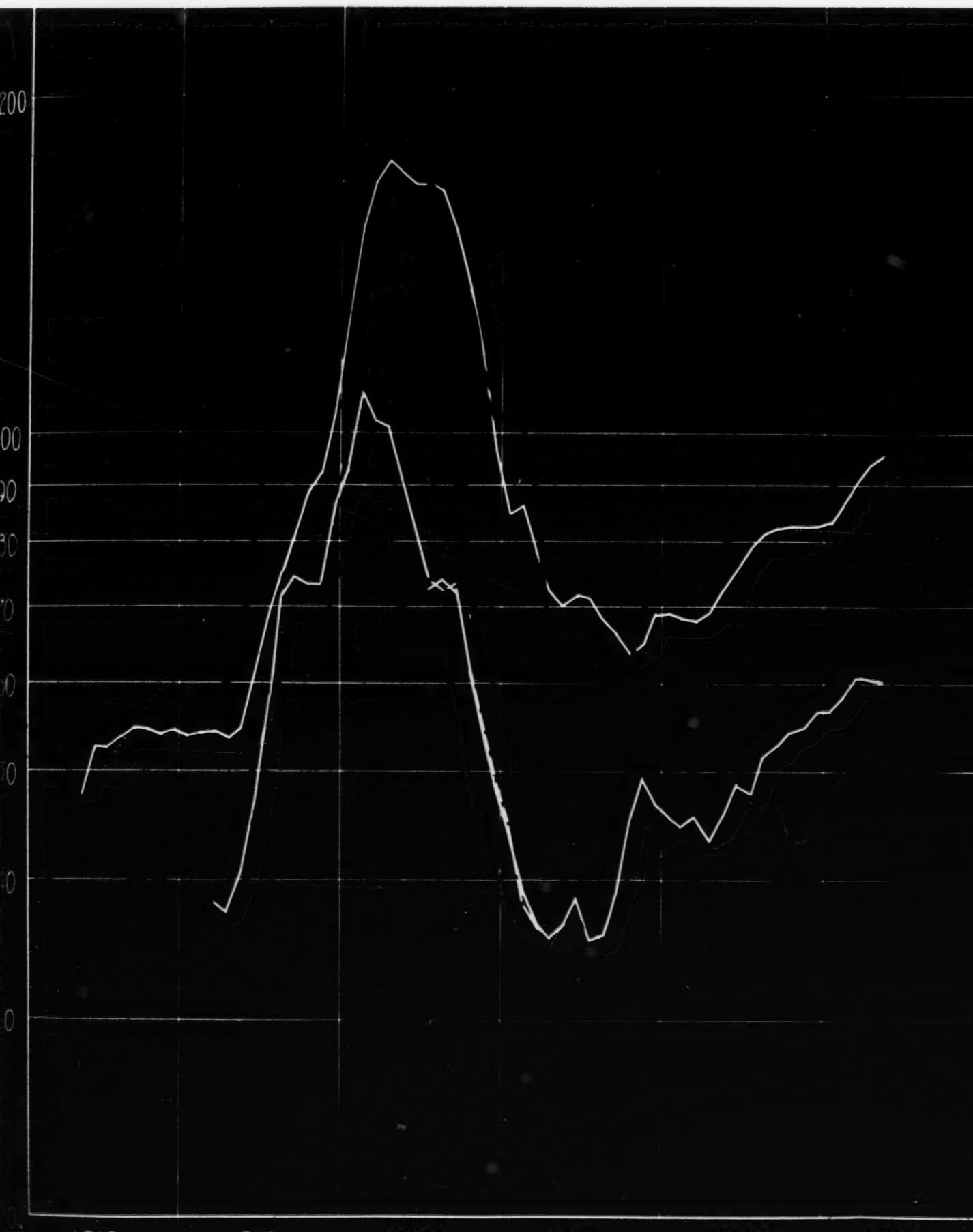
DOUGLAS FIR FLOORING

AVERAGE OF VG NOS 1, 2, AND 3 CLEAR AND F.G.
 NO 2 CLEAR + BTR. 1 \times 4", 10 TO 16'
 F.O.B. MILLS, SEATTLE

— OVERLAP

---- DATA NOT AVAILABLE

DATA COMPILED FROM LAST WEEK IN MONTH
 ISSUES OF "LUMBER".



1918

1919

1920

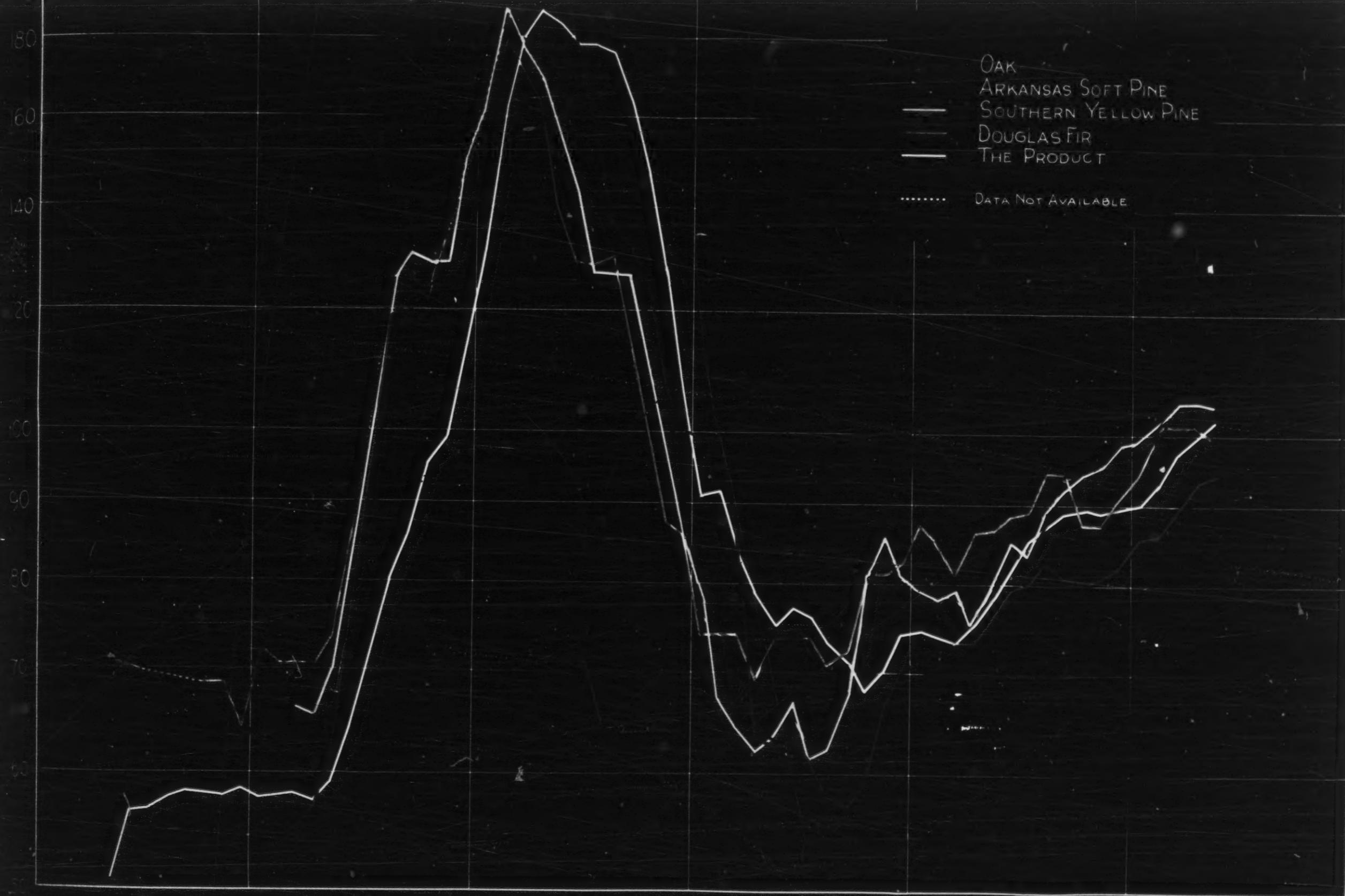
1921

1922

1923

DATA: TABLES

[fols. 6701 & 6702] DEFENDANTS' GRANT KEEHN EXHIBIT No. 18



*EXPLANATION OF COMPOSITION OF INDICES ON PAGE
DATA COMPILED FROM LAST WEEK IN MONTH ISSUES OF "LUMBER"

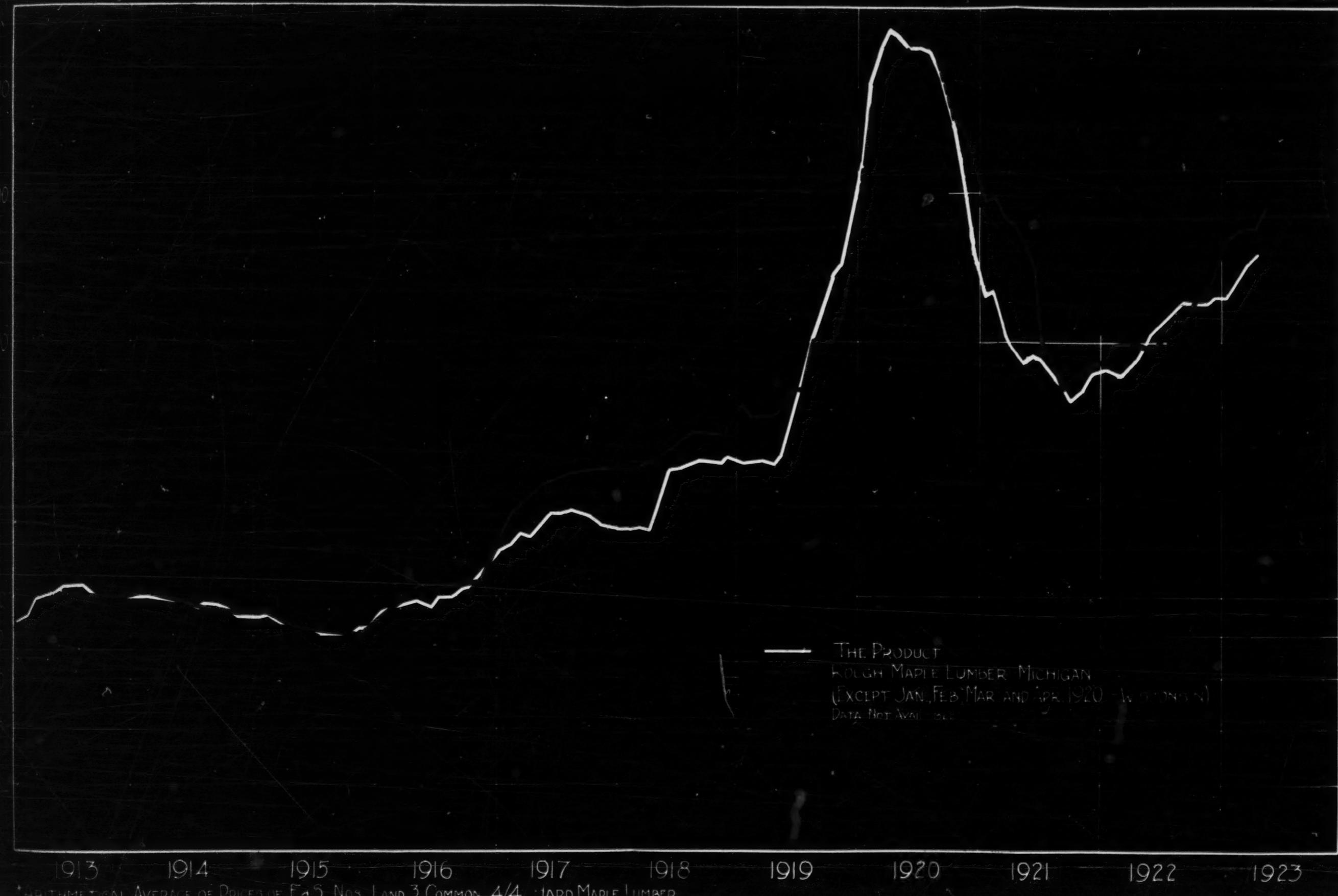
DATA: TABLES

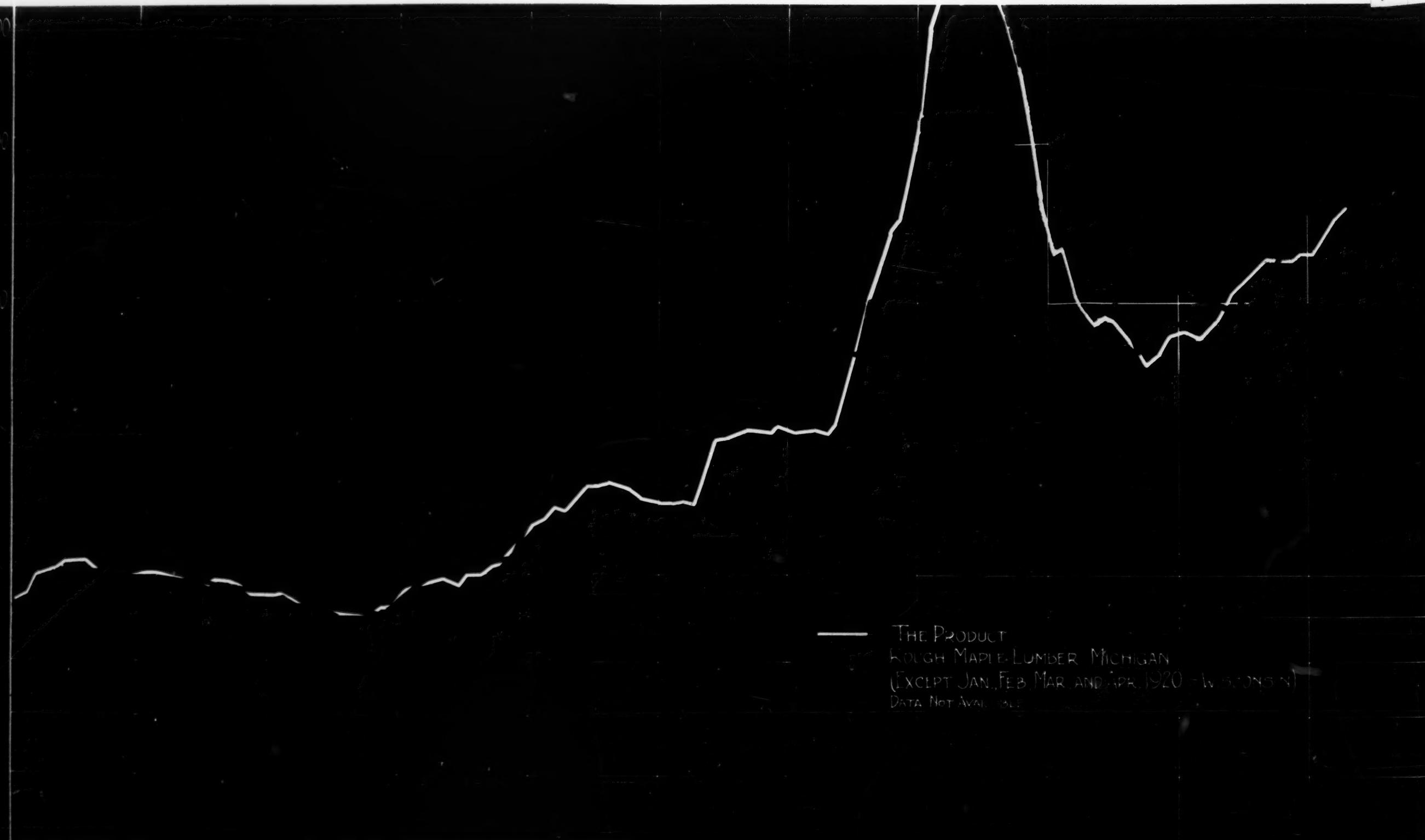
[fols. 6703 & 6704] DEFENDANTS' GRANT KEEHN EXHIBIT No. 19

PERCENT- LOGARITHMIC SCALE

1913-1923

1913=100





1913

1914

1915

1916

1917

1918

1919

1920

1921

1922

1923

ANNUAL AVERAGE OF PRICE OF FAS. NOS. 1 AND 3 COMMON 4/4 HARD MAPLE LUMBER
Source of Data: 1913-1918 - WAR INDUSTRIES BOARD PRICE BULLETIN No. 43
1919-1923 - LAST WEEK IN MONTH PRICES OF LUMBER EXCEPT
1919, JULY AND OCT., 1920, JAN. AND FEB., 1921, AND
1922, APRIL FROM THE AMERICAN LUMBERMAN.



[fols. 6705 & 6706] DEFENDANTS' GRANT KEEHN EXHIBIT No. 20

COMPARISON OF F.O.B. MILL PRICES OF MICHIGAN AND WISCONSIN
ROUGH MAPLE LUMBER
MONTHLY 1920-1923



*ARITHMETICAL AVERAGE OF PRICES OF F. & S., NOS. 1, 2, AND 3 COMMON 4/4
HARD MAPLE LUMBER, COMPILED FROM LAST WEEK IN MONTH ISSUES OF
LUMBER AND THE AMERICAN LUMBERMAN.

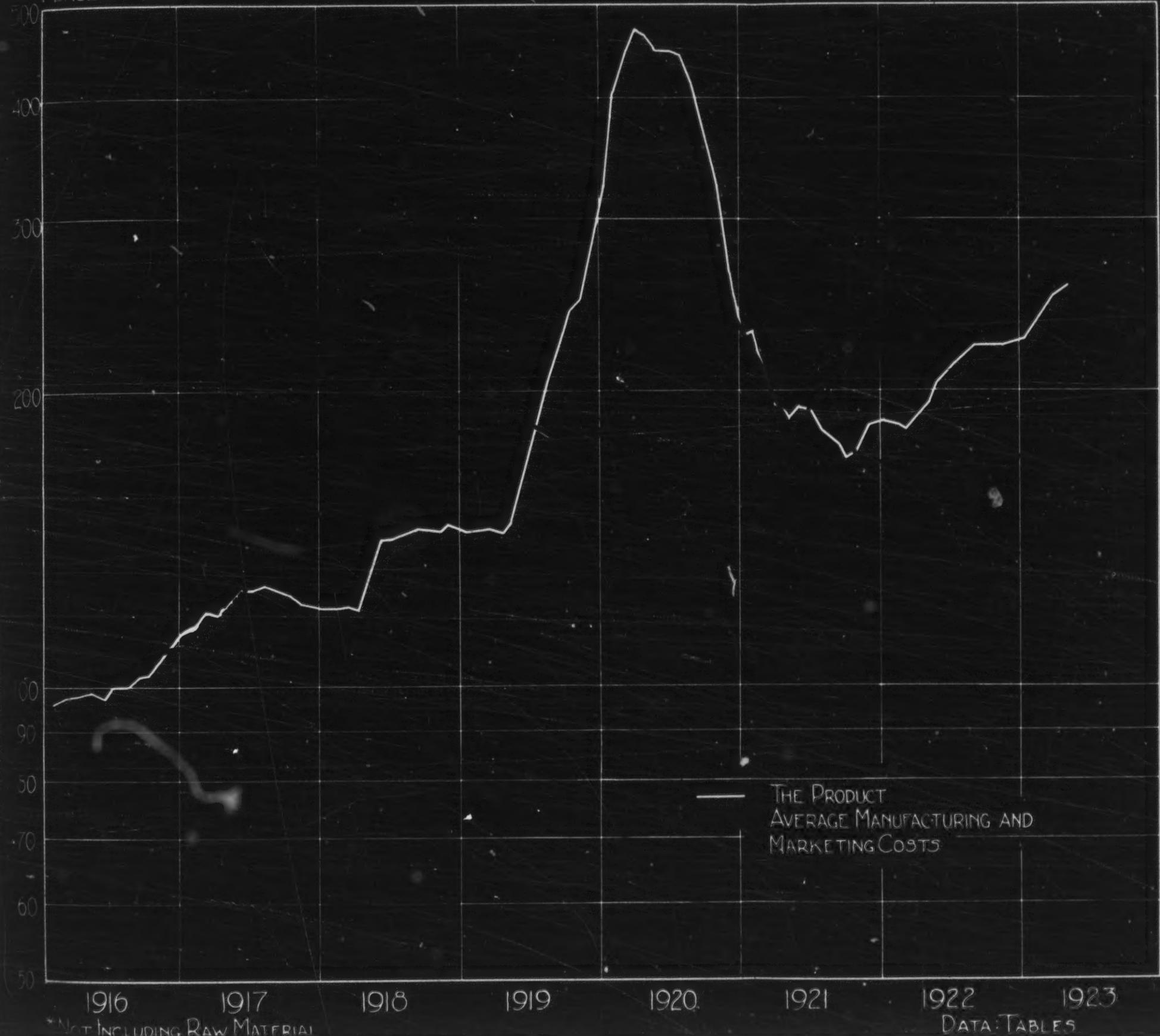


[fols. 6707-6709] DEFENDANTS' GRANT KEEHN EXHIBIT No. 21

AN INDEX OF THE AVERAGE MANUFACTURING AND MARKETING COSTS OF THE MEMBERS
1916-1923

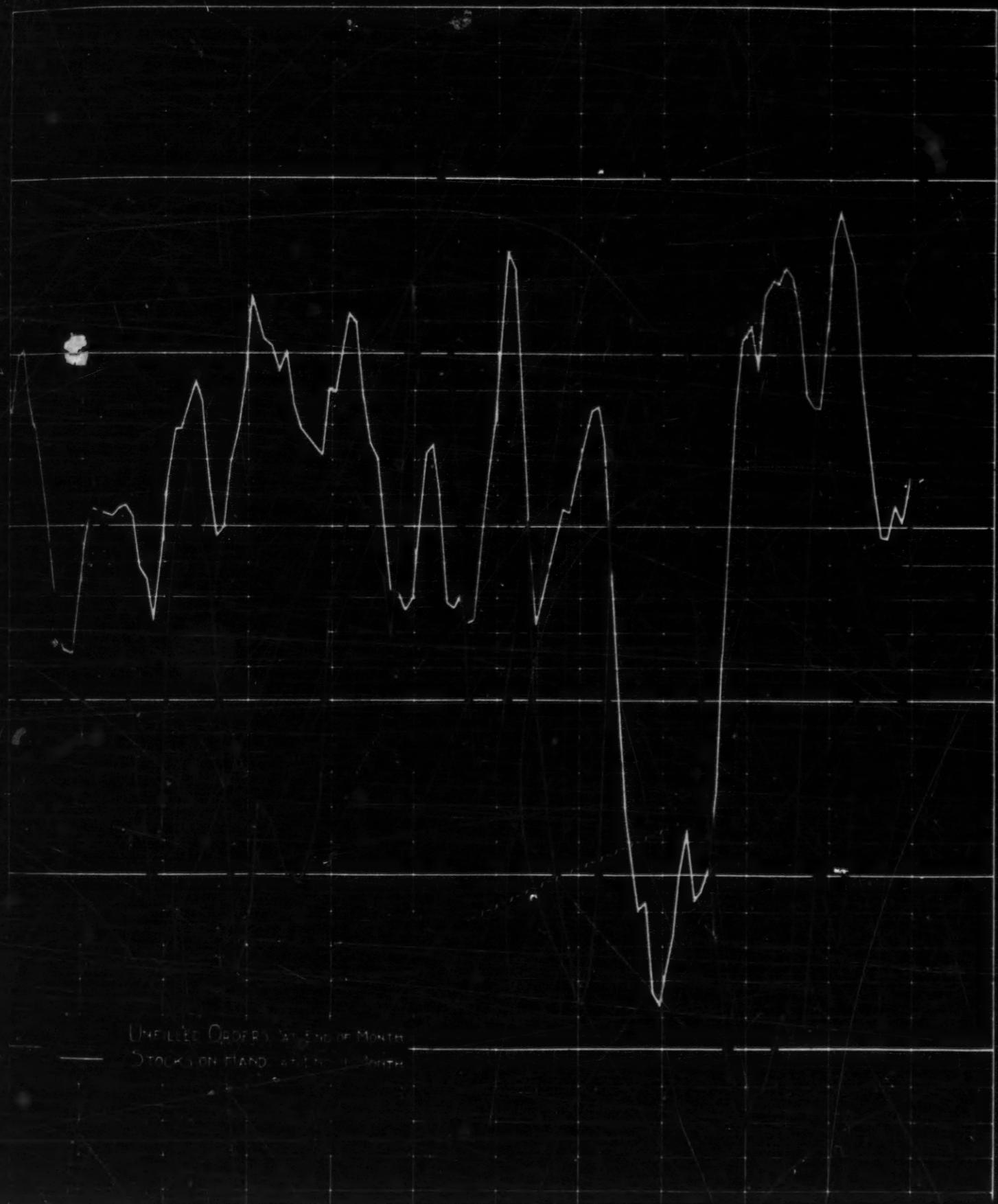
PERCENT-LOGARITHMIC SCALE

1913=100

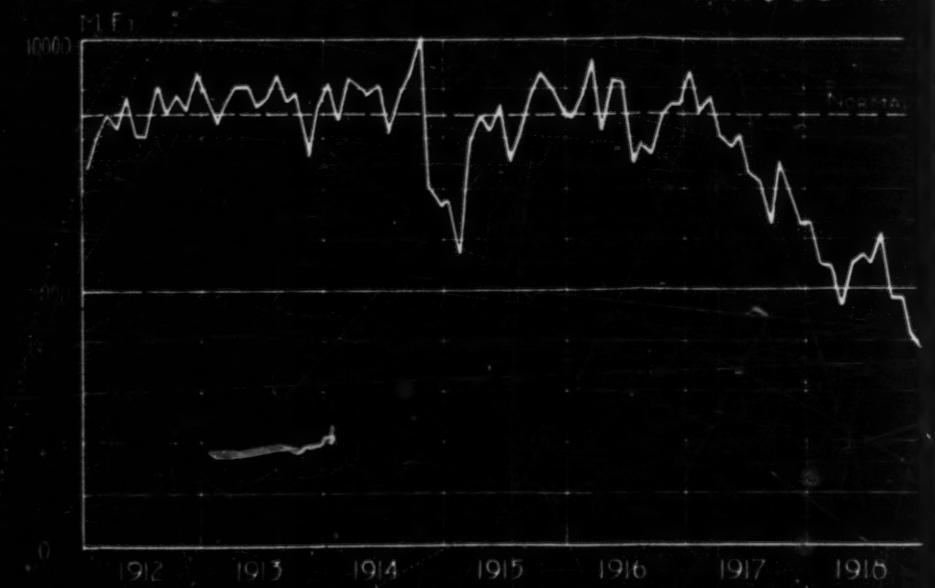


[fols. 6710-6715] DEFENDANTS' GRANT KEEHN EXHIBIT NO. 22

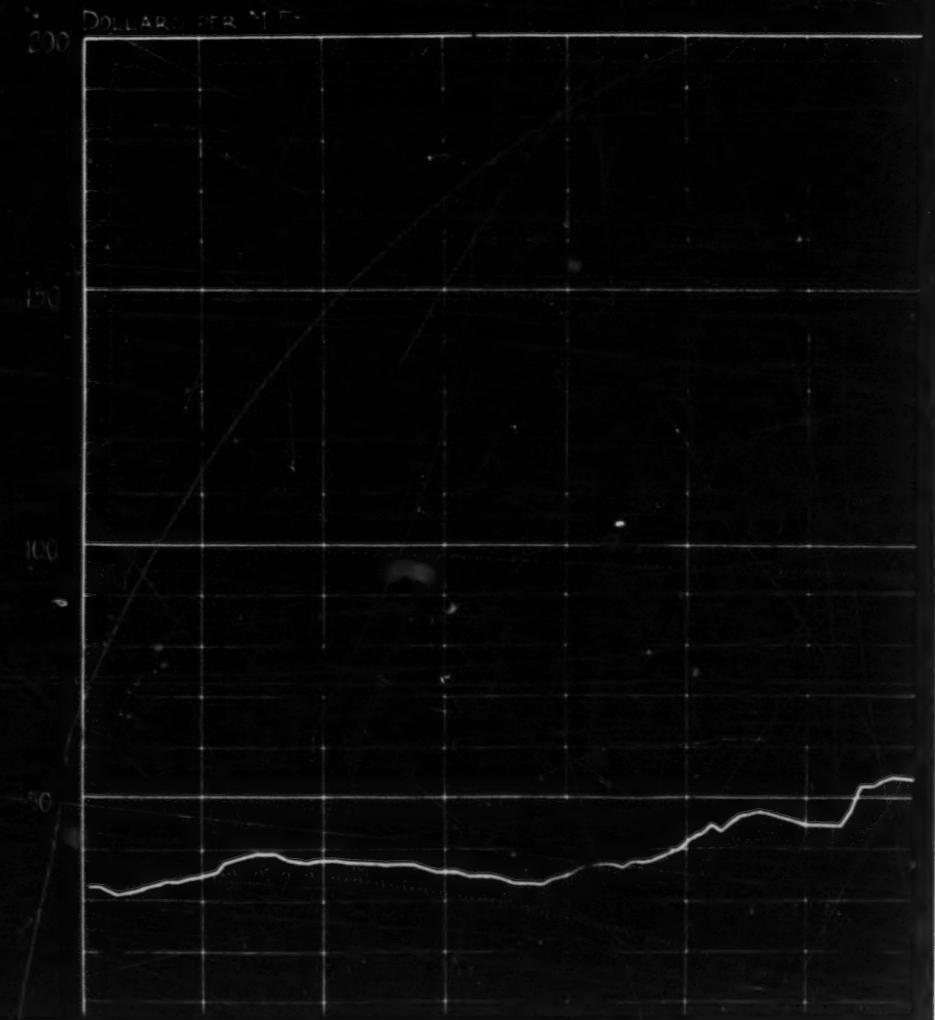
UNFILLED ORDERS AND STOCKS ON HAND



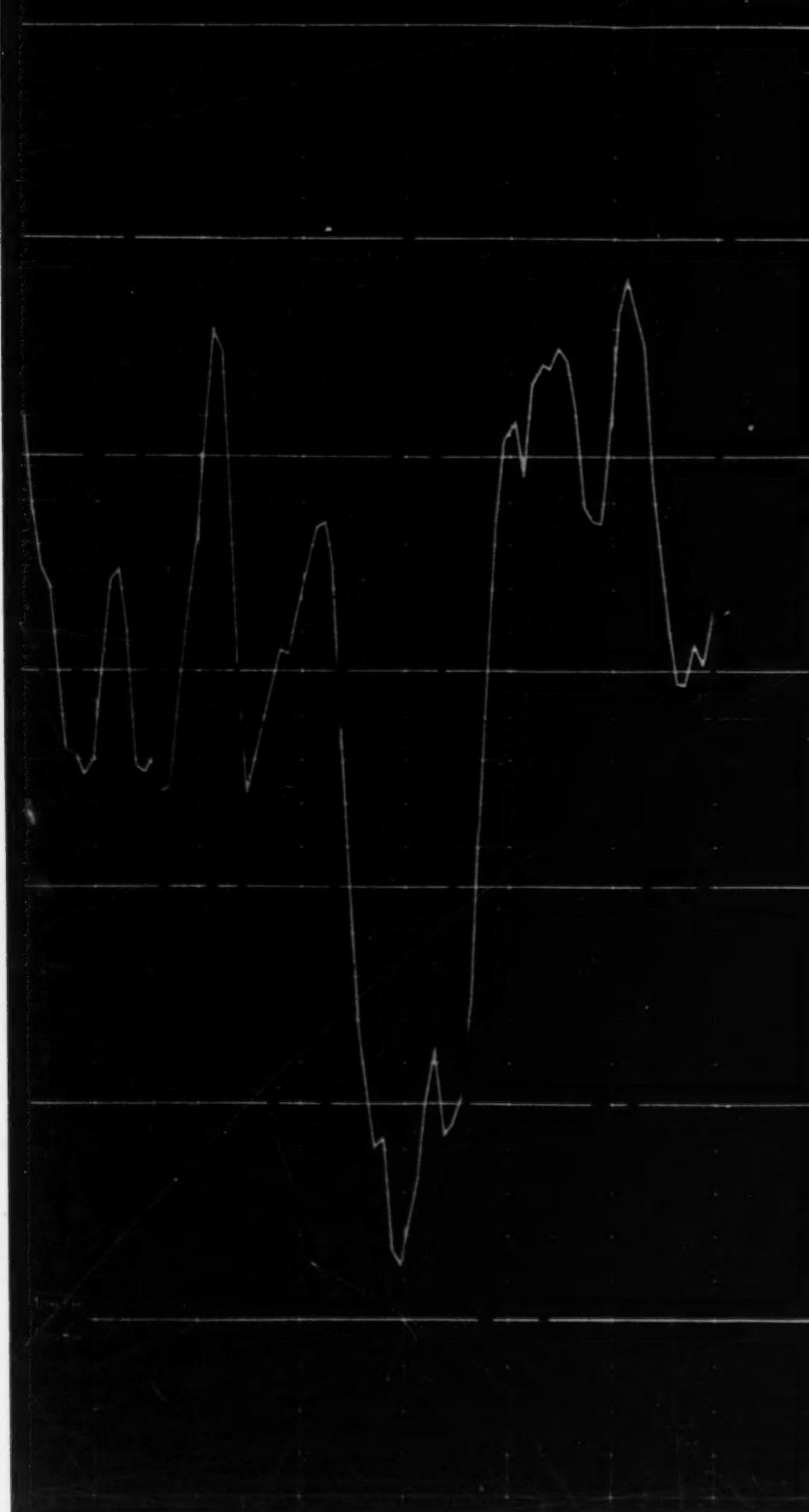
PRODUCTION



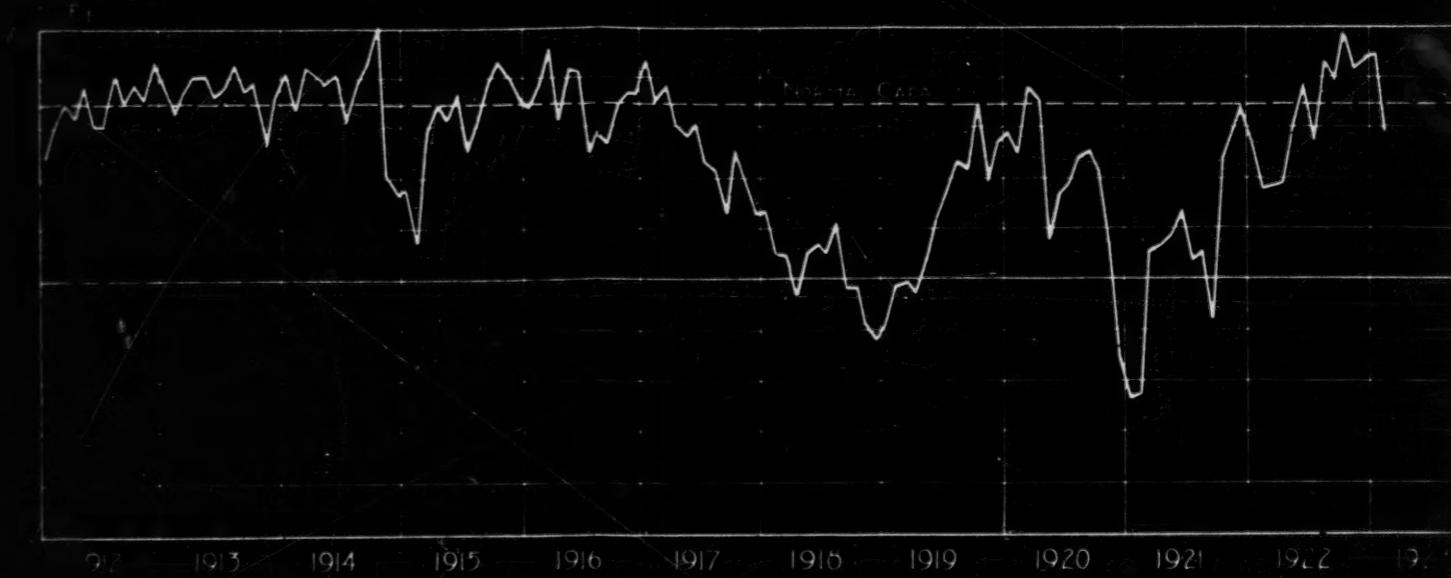
PRICES OF THE PRC



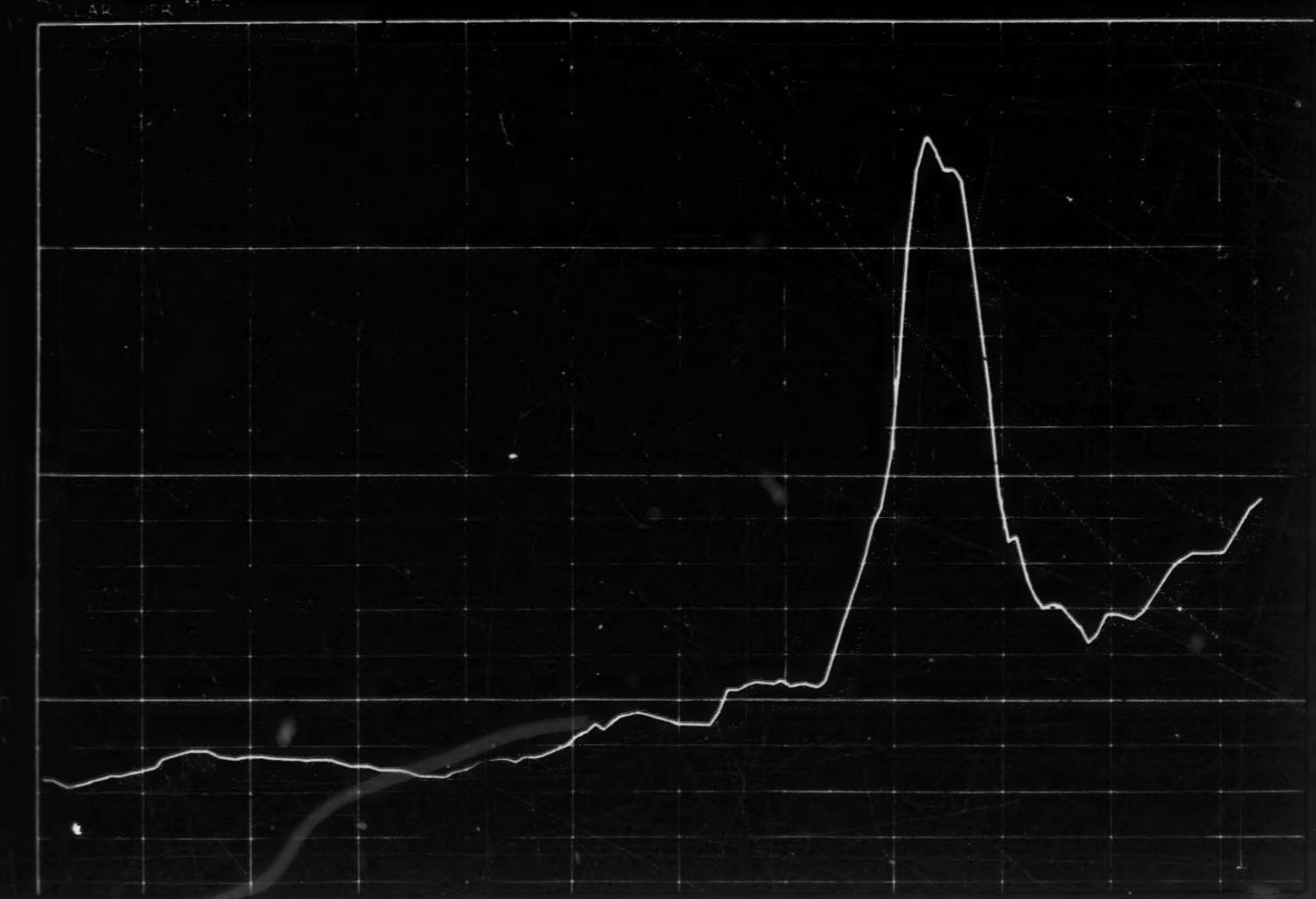
ED ORDERS AND STOCKS ON HAND



PRODUCTION



PRICES OF THE PRODUCT



LINELED ORDERS AT END OF MONTH
Stockton Land, All 5 Members

All 5 Members

1912 1914 1916 1918 1920 1922 1923

DOLLARS PER M.F.

150

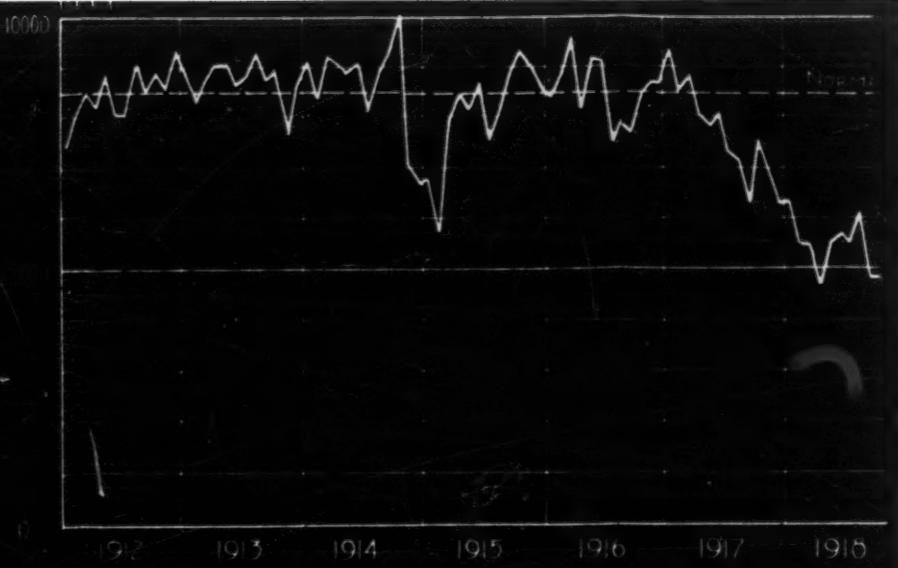
100

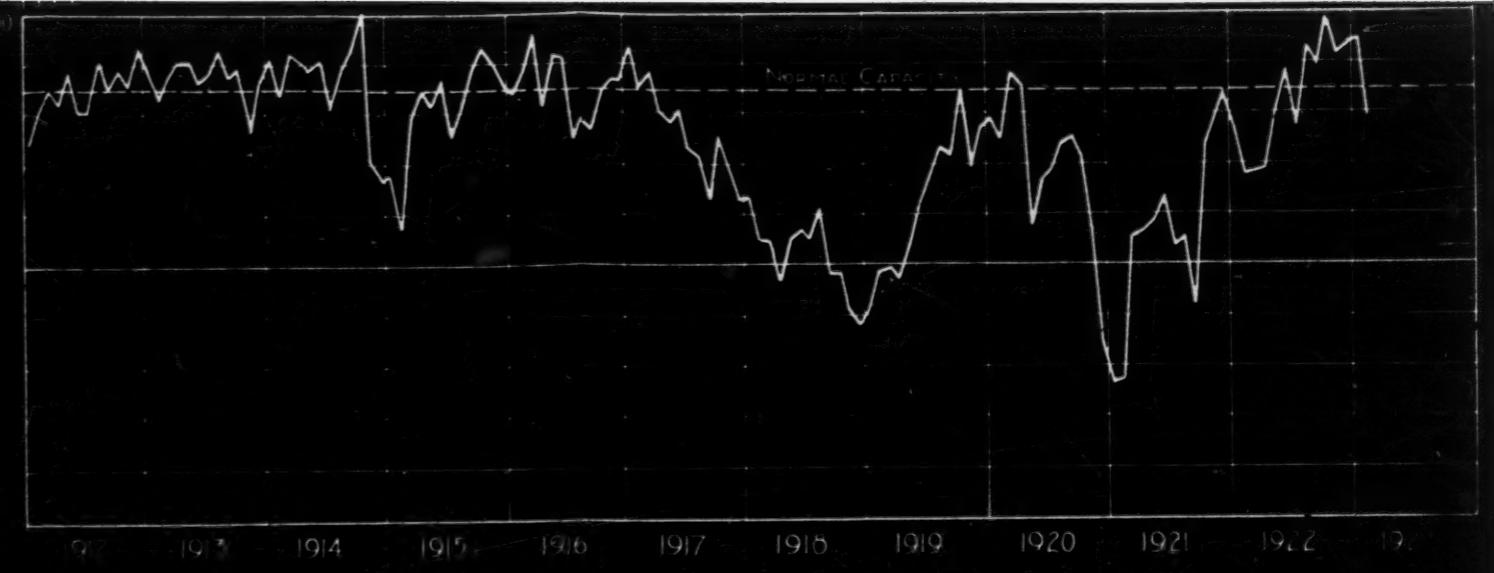
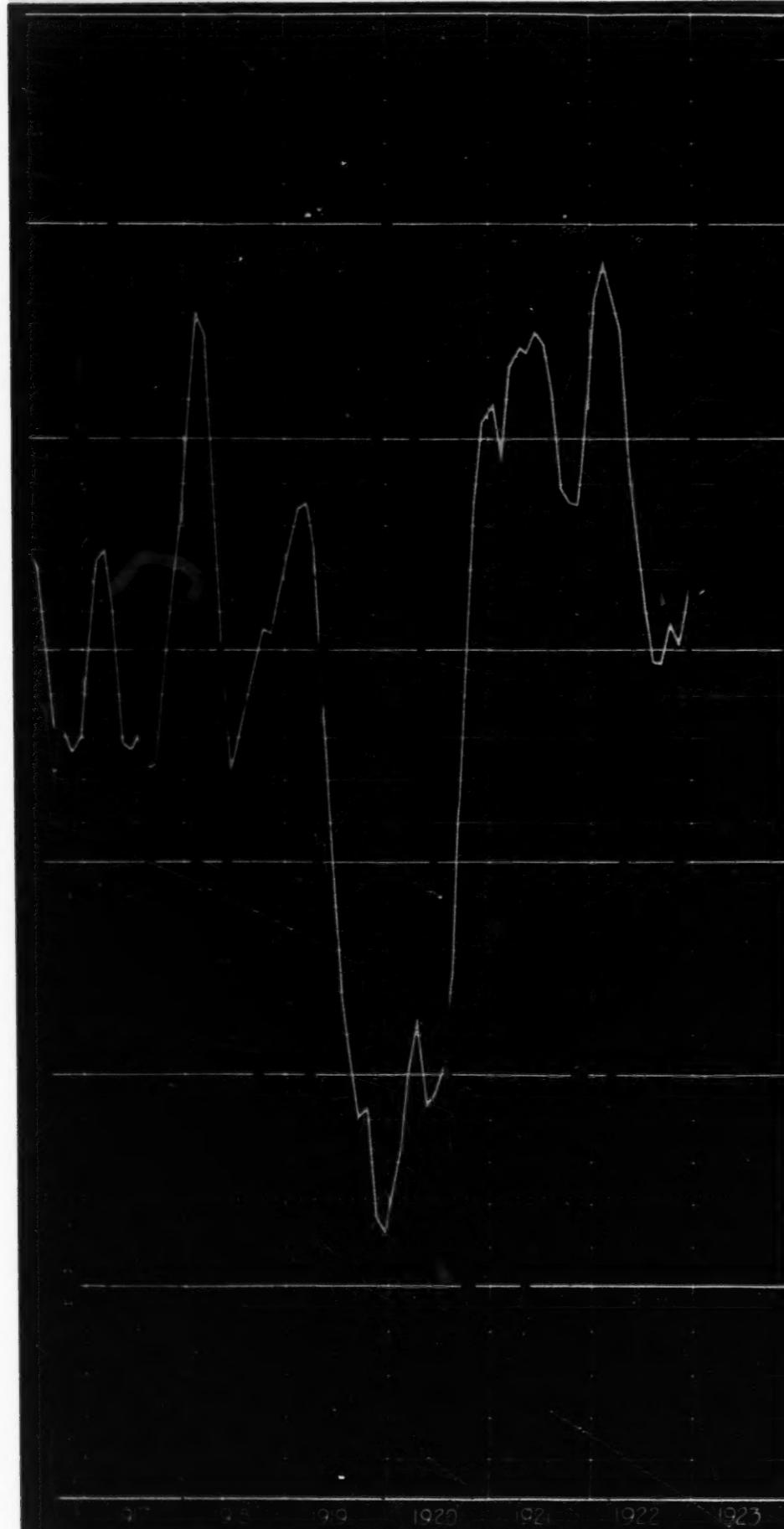
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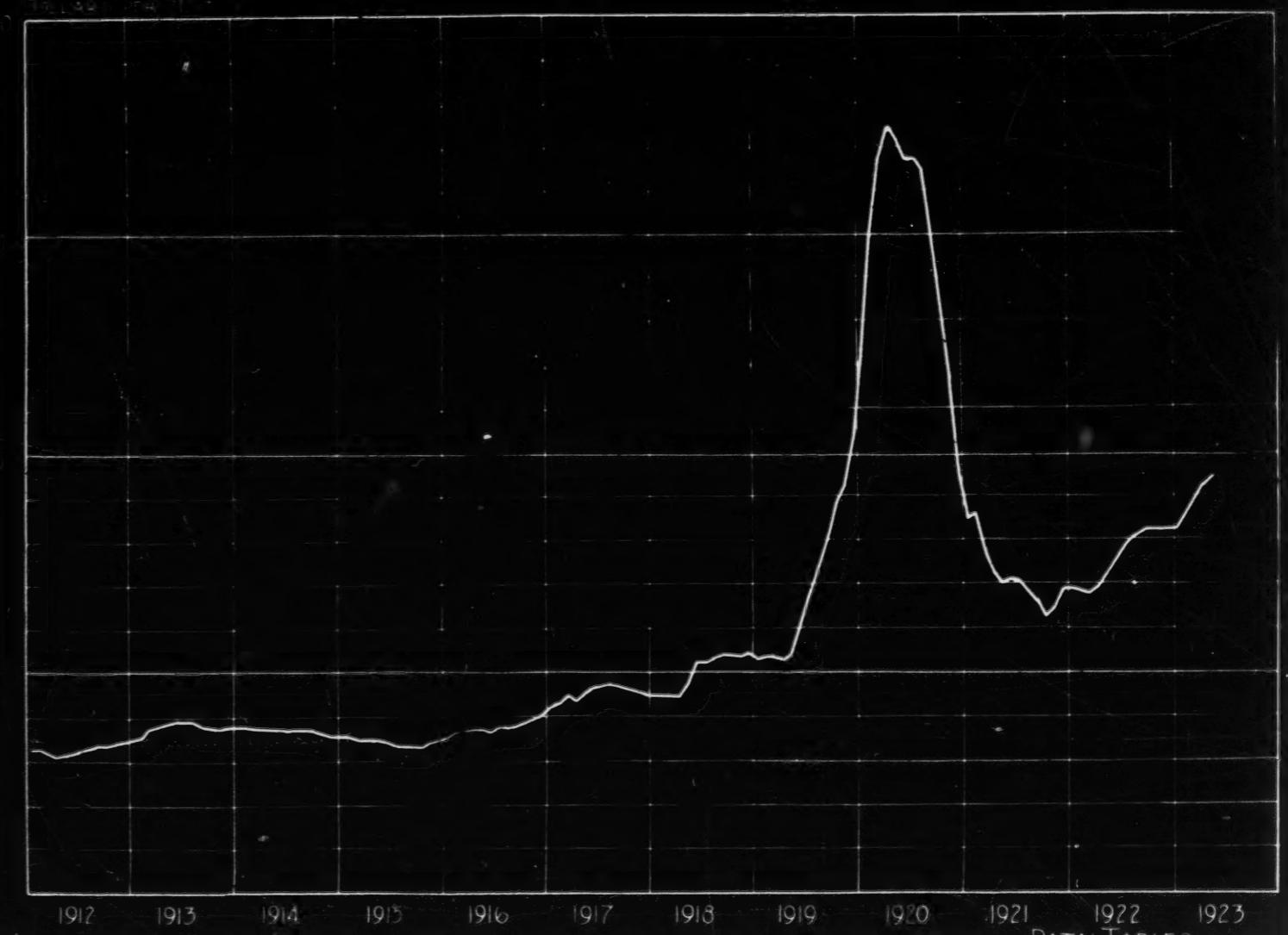
1912 1913 1914 1915 1916 1917 1918

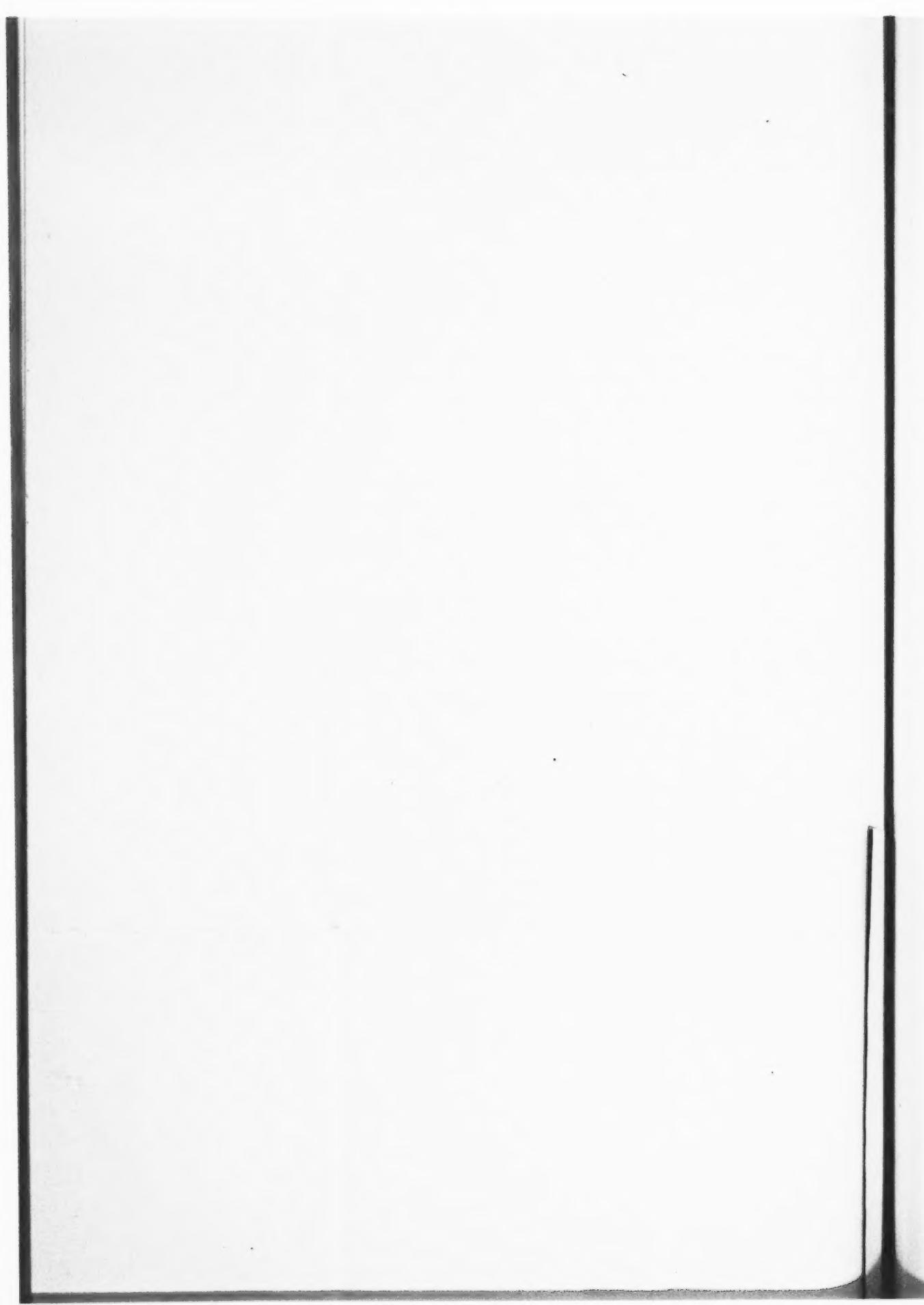
PRICES OF THE PR





PRICES OF THE PRODUCT





[fols. 6716-6720] DEFENDANTS' GORDON EXHIBIT No. 23

66-920

CHART

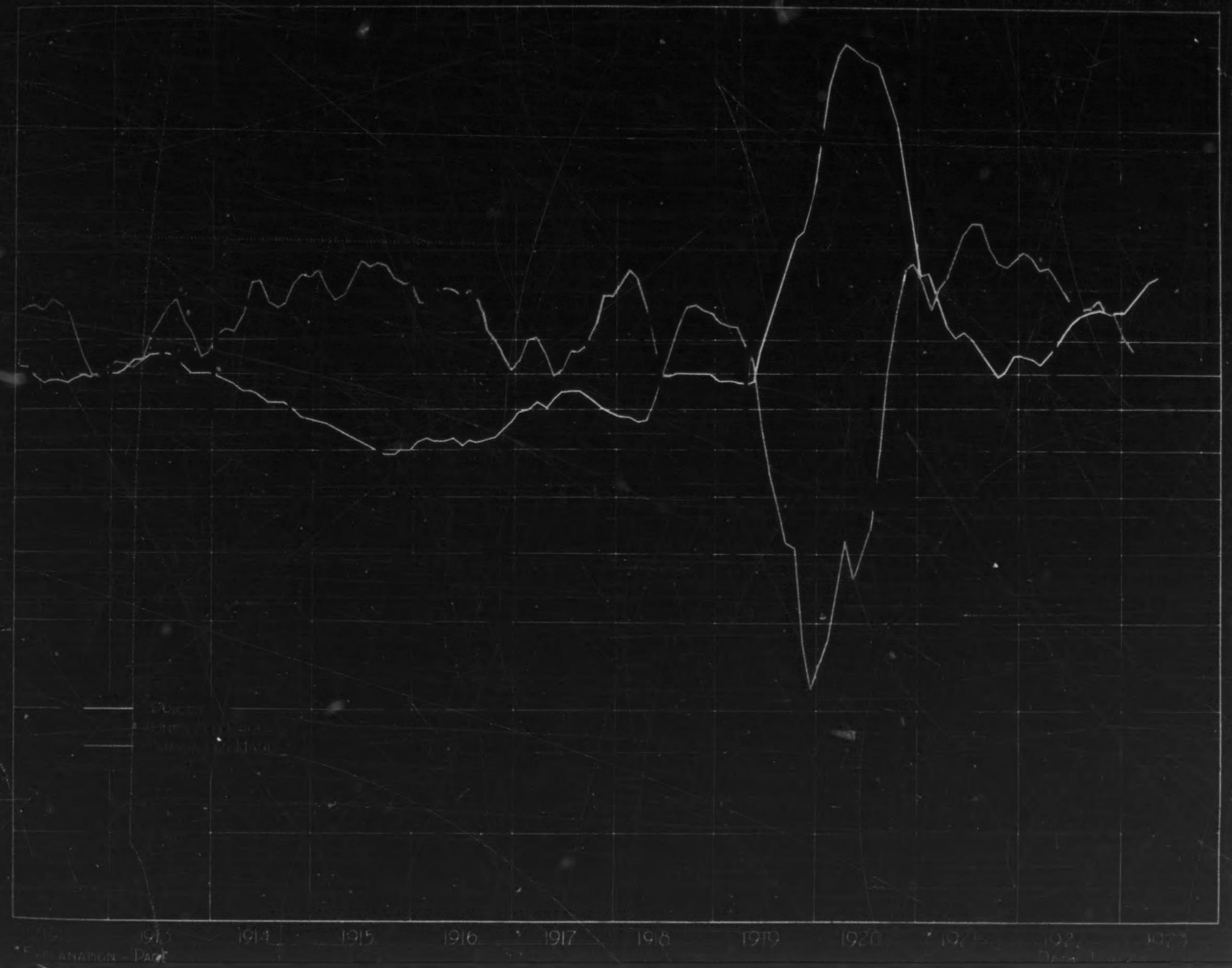
TOO

LARGE

FOR

FILMING

[fols. 6721-6725] DEFENDANTS' GRANT KEEHN EXHIBIT No. 24



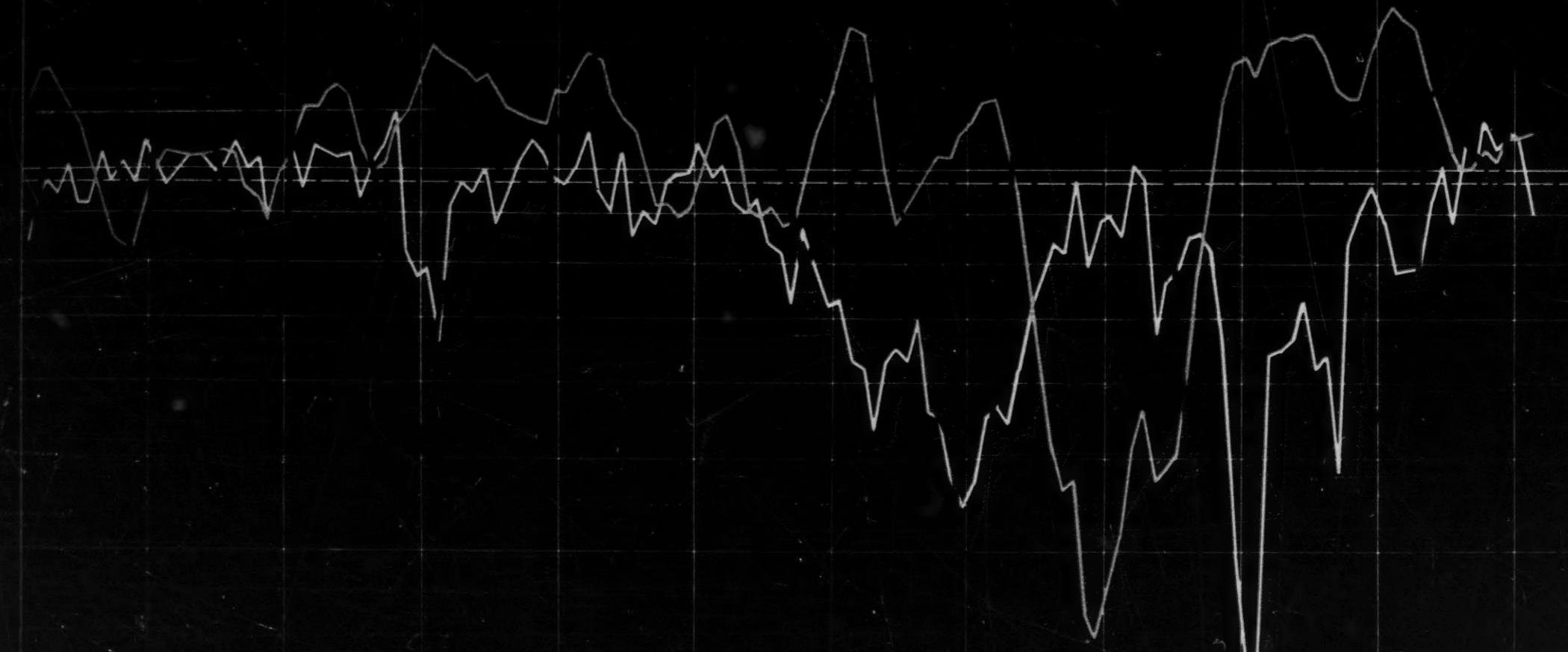
[fols. 6726 & 6727] DEFENDANTS' GRANT KEEHN EXHIBIT NO. 25

[fols. 6728-6731] DEFENDANTS' GRANT KEEHN EXHIBIT No. 26

67-920

MONTHLY 1912-1923

1915-100



PRODUCTION
STOCKS ON HAND
UNFILLED ORDER
MONTHLY PRODUCTION CAPACITY

1915
MEMBERS

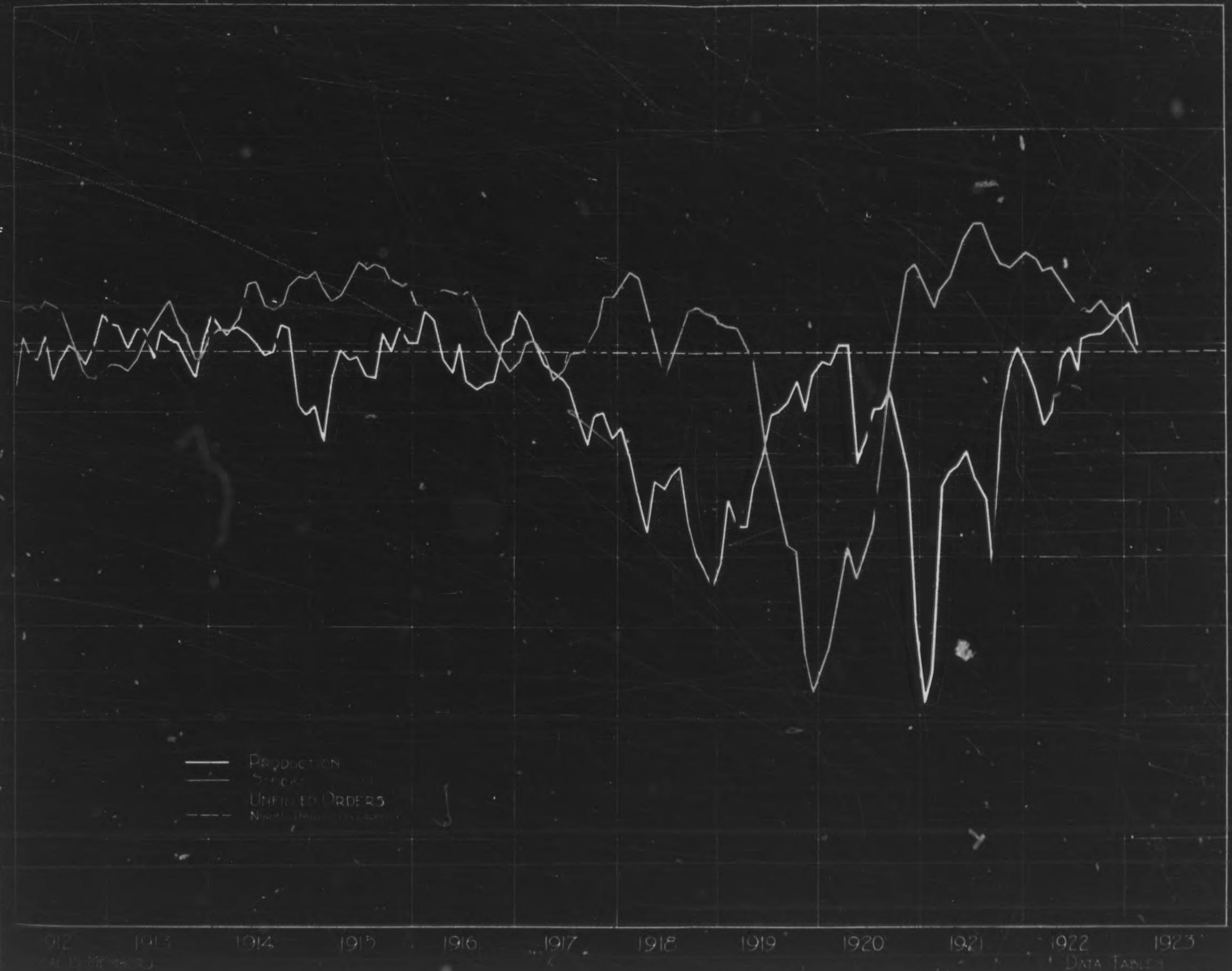
1922
1923
DATA TABLE



[fols. 6732-6735] DEFENDANTS' GRANT KEEHN EXHIBIT No. 27

CORRECTED
MONTHLY 1912-1923

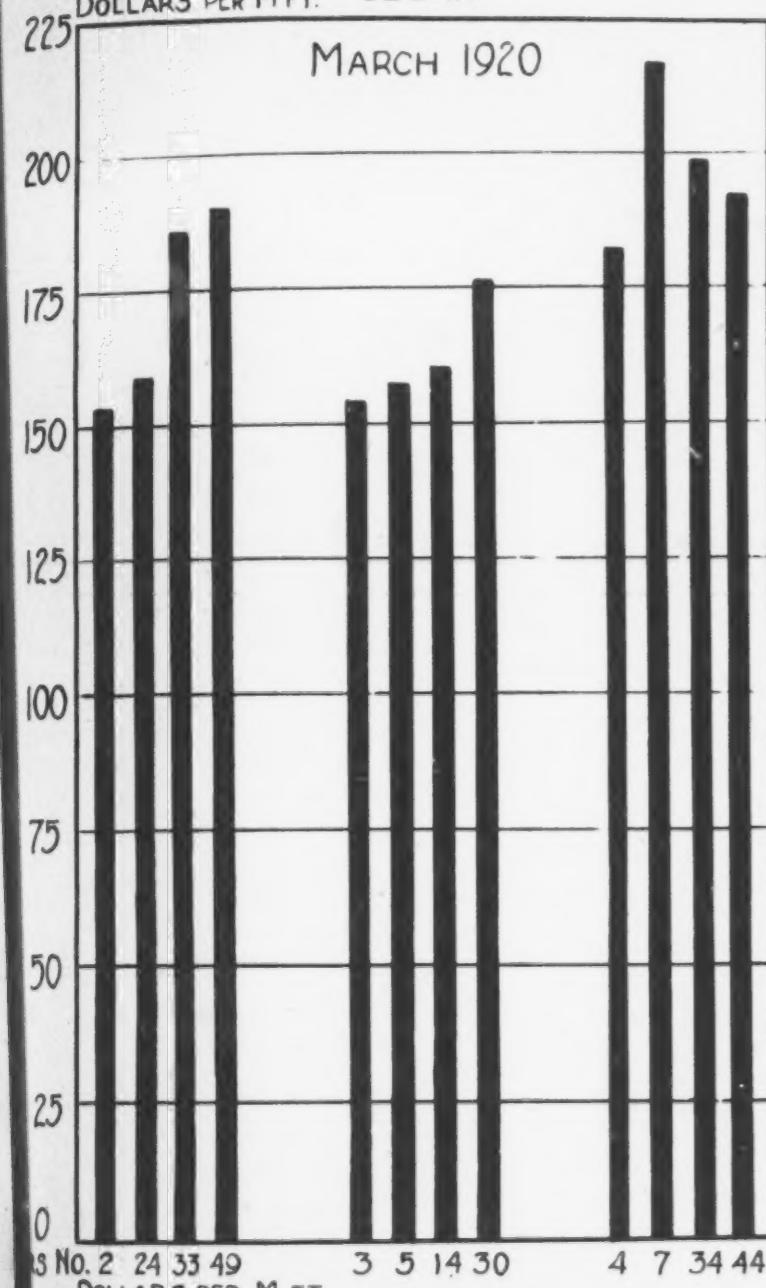
1913-100



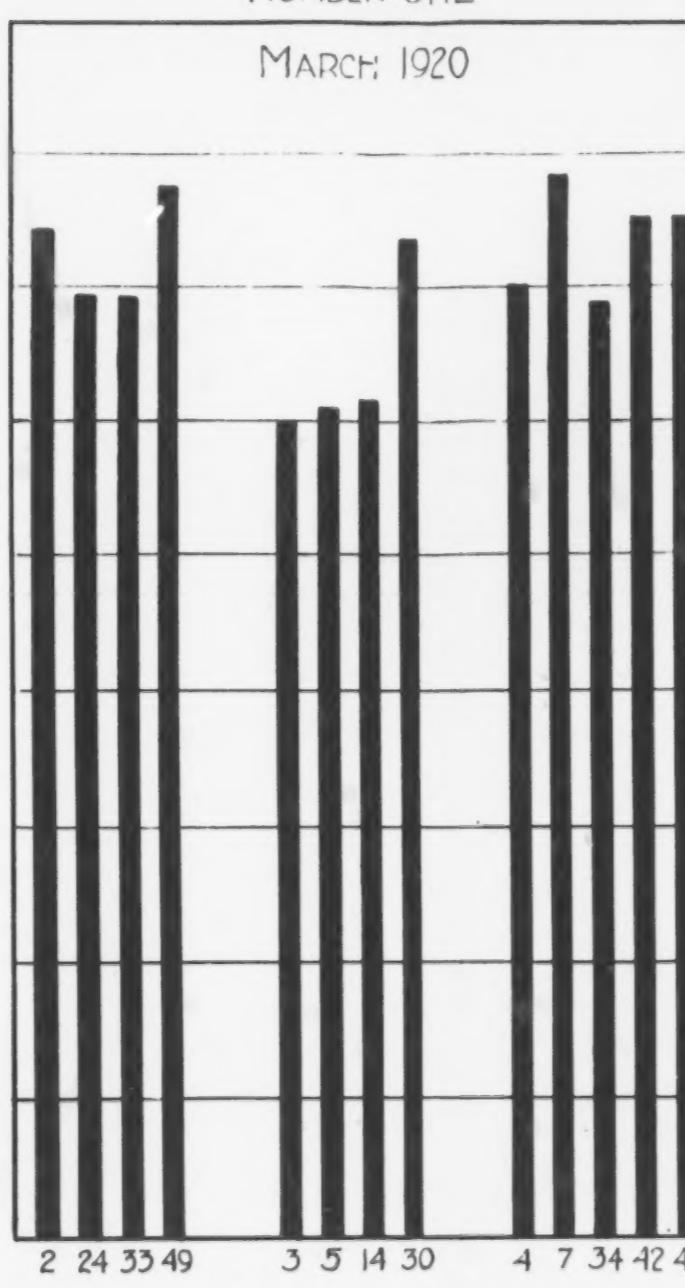


[fols. 6736 & 6737] DEFENDANTS' GRANT KEEHN EXHIBIT No. 28

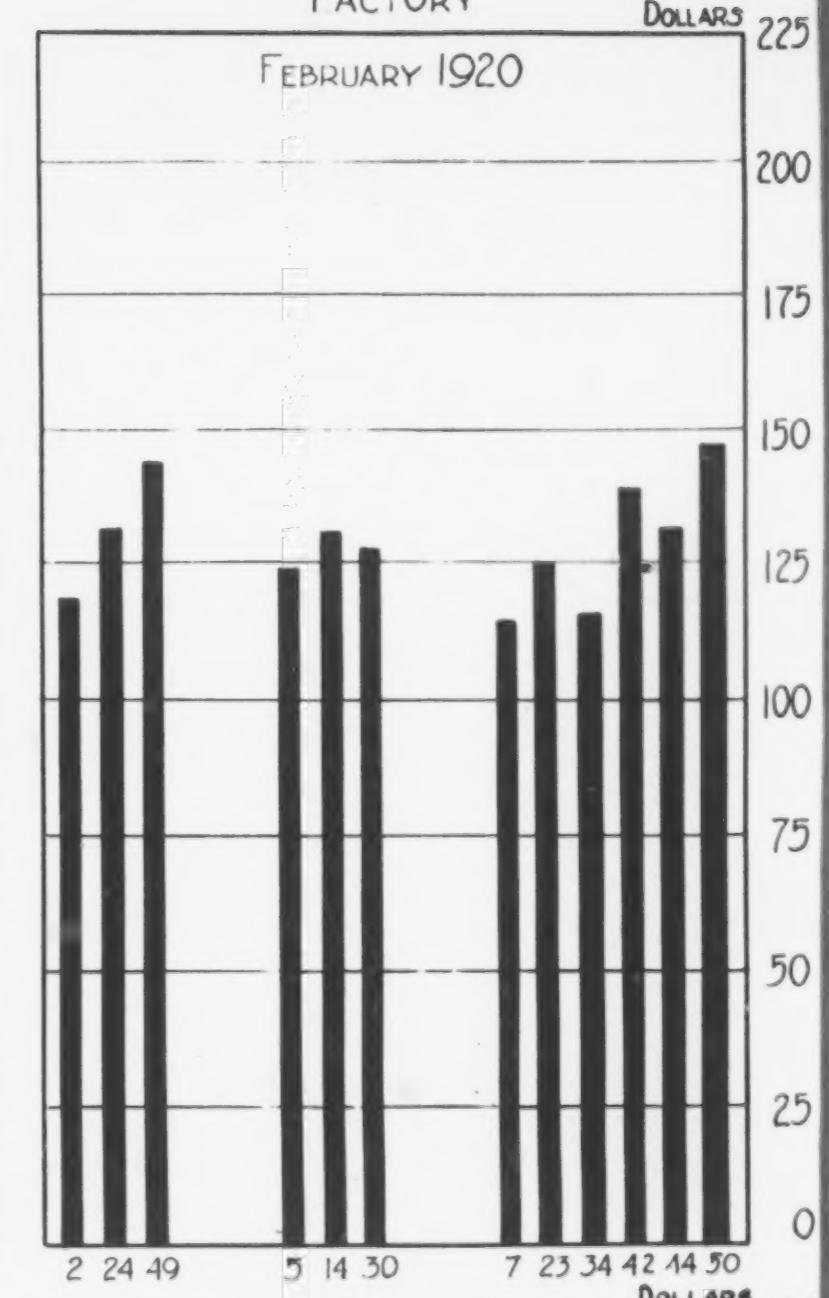
DOLLARS PER M FT. CLEAR



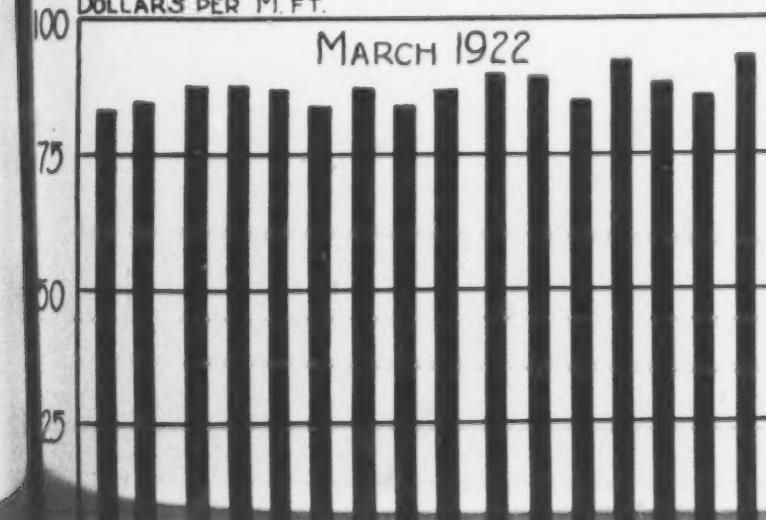
NUMBER ONE



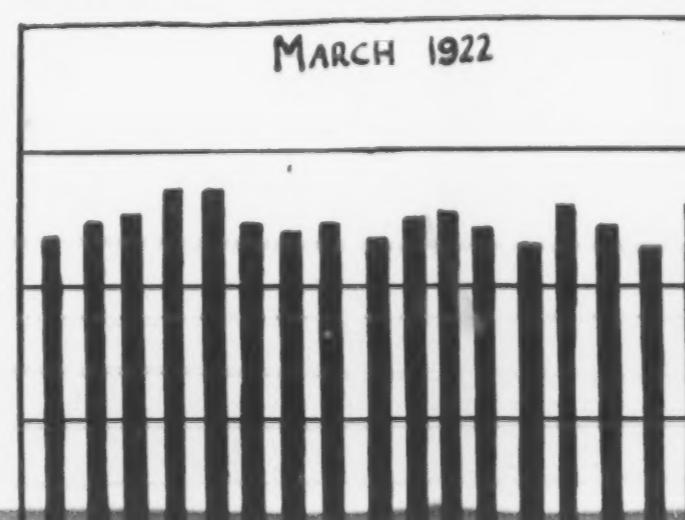
FACTORY



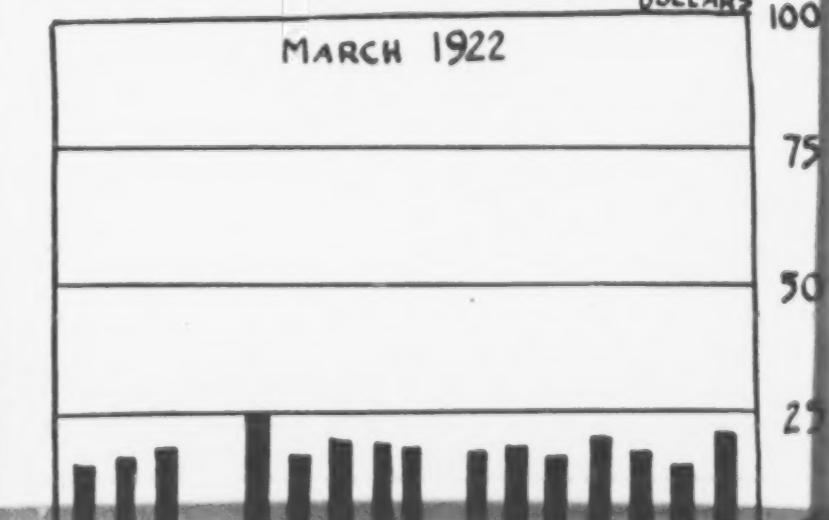
MARCH 1922

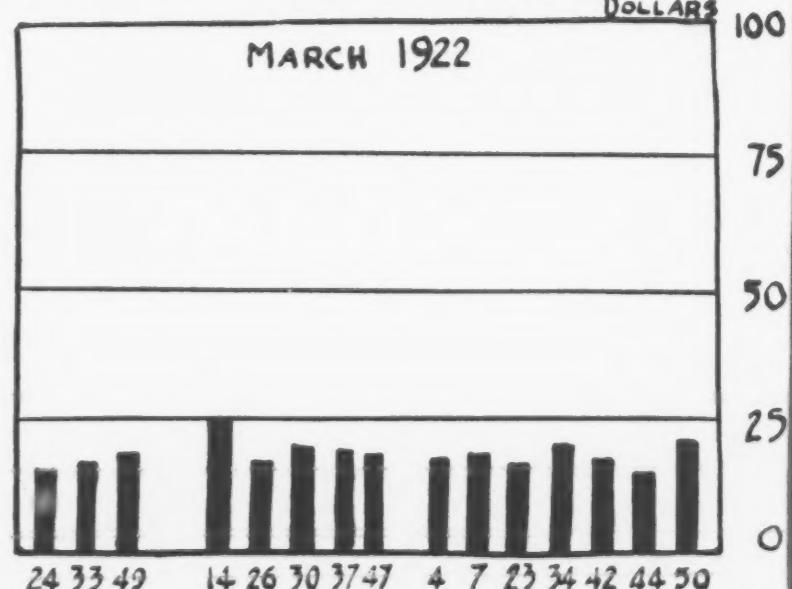
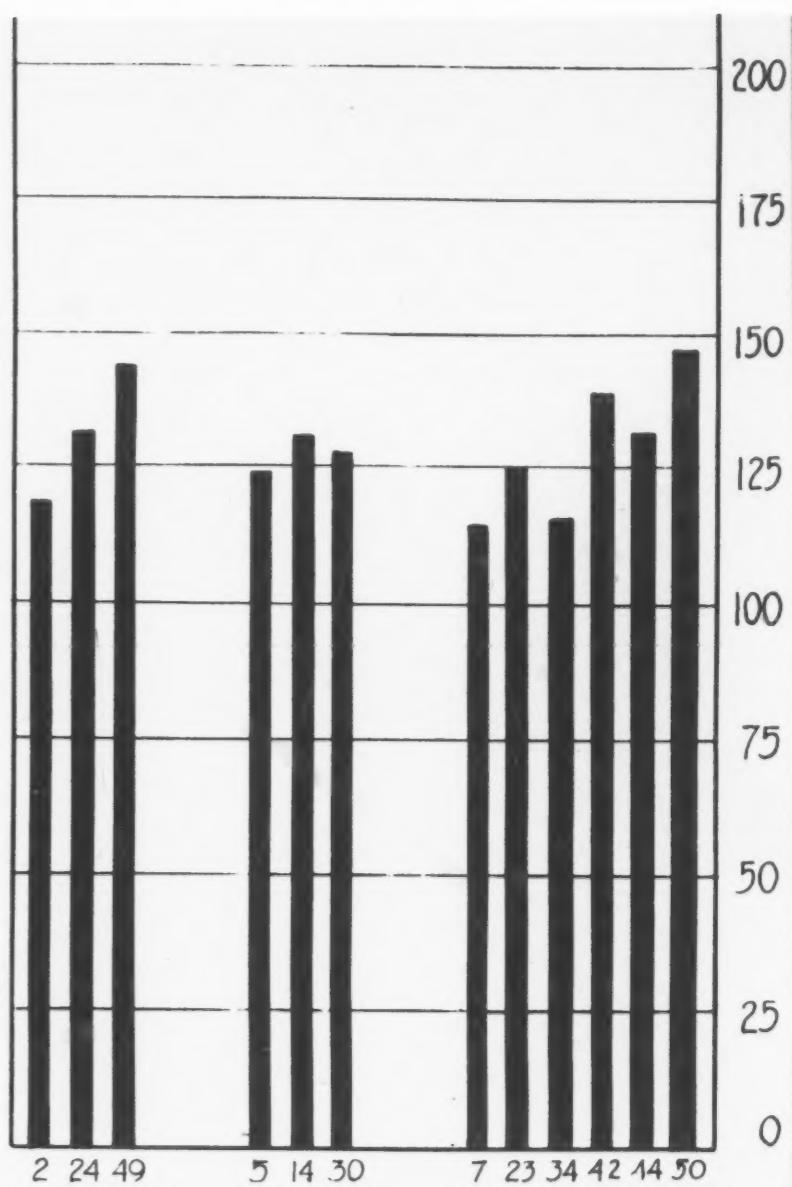
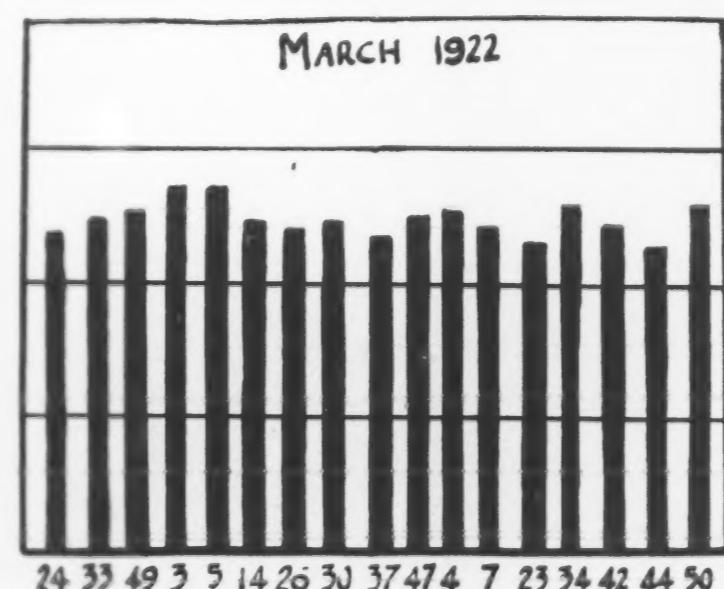
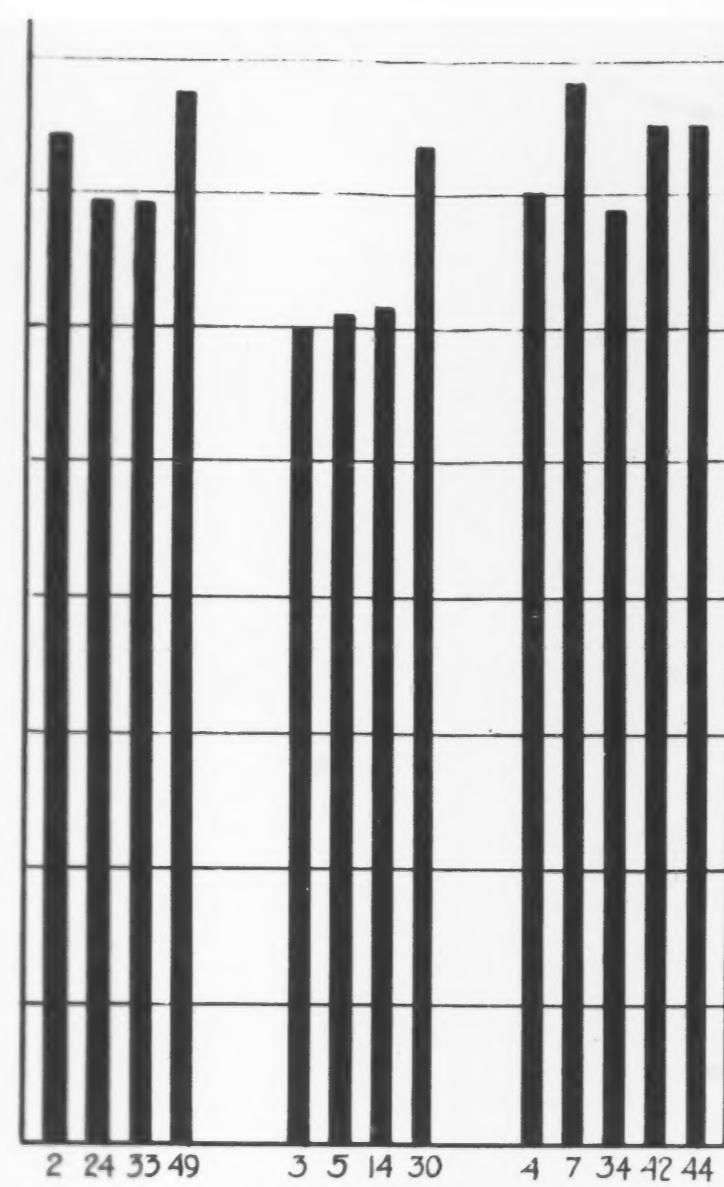
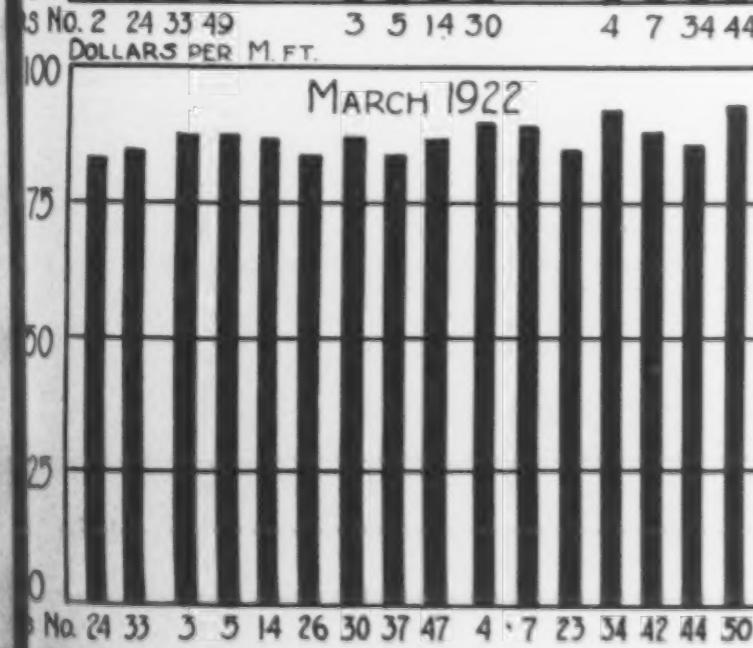
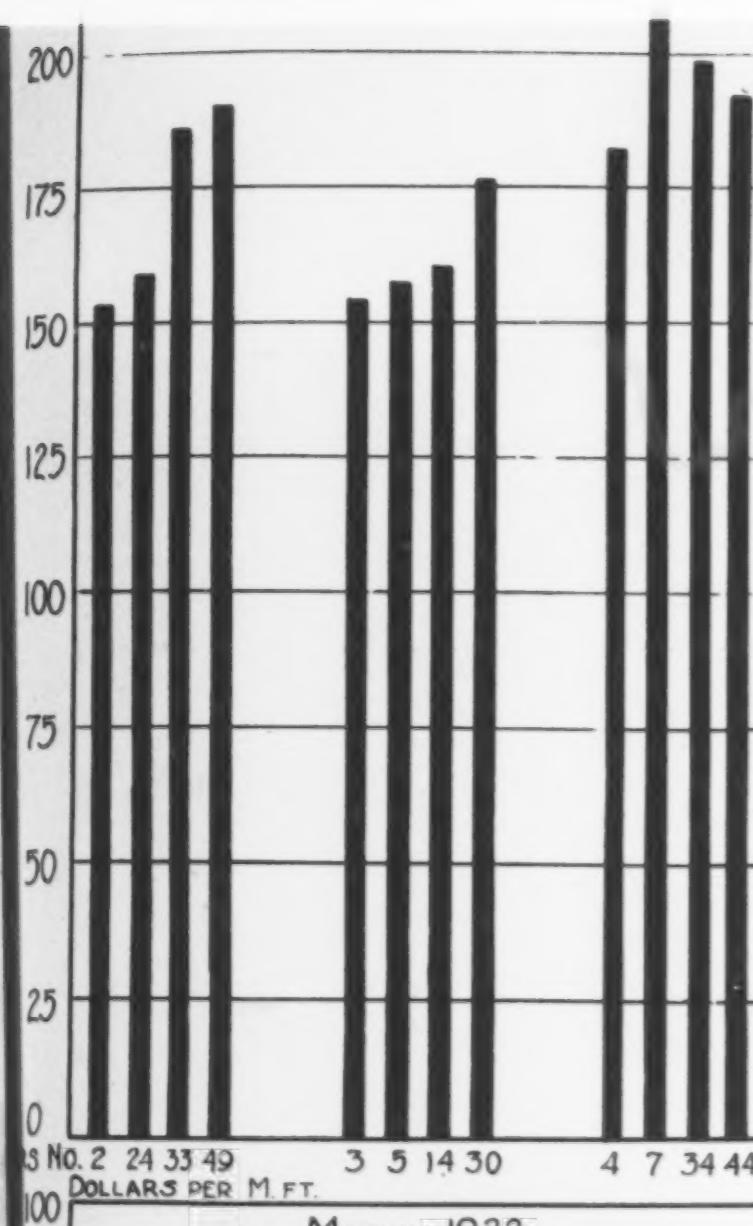


MARCH 1922



MARCH 1922



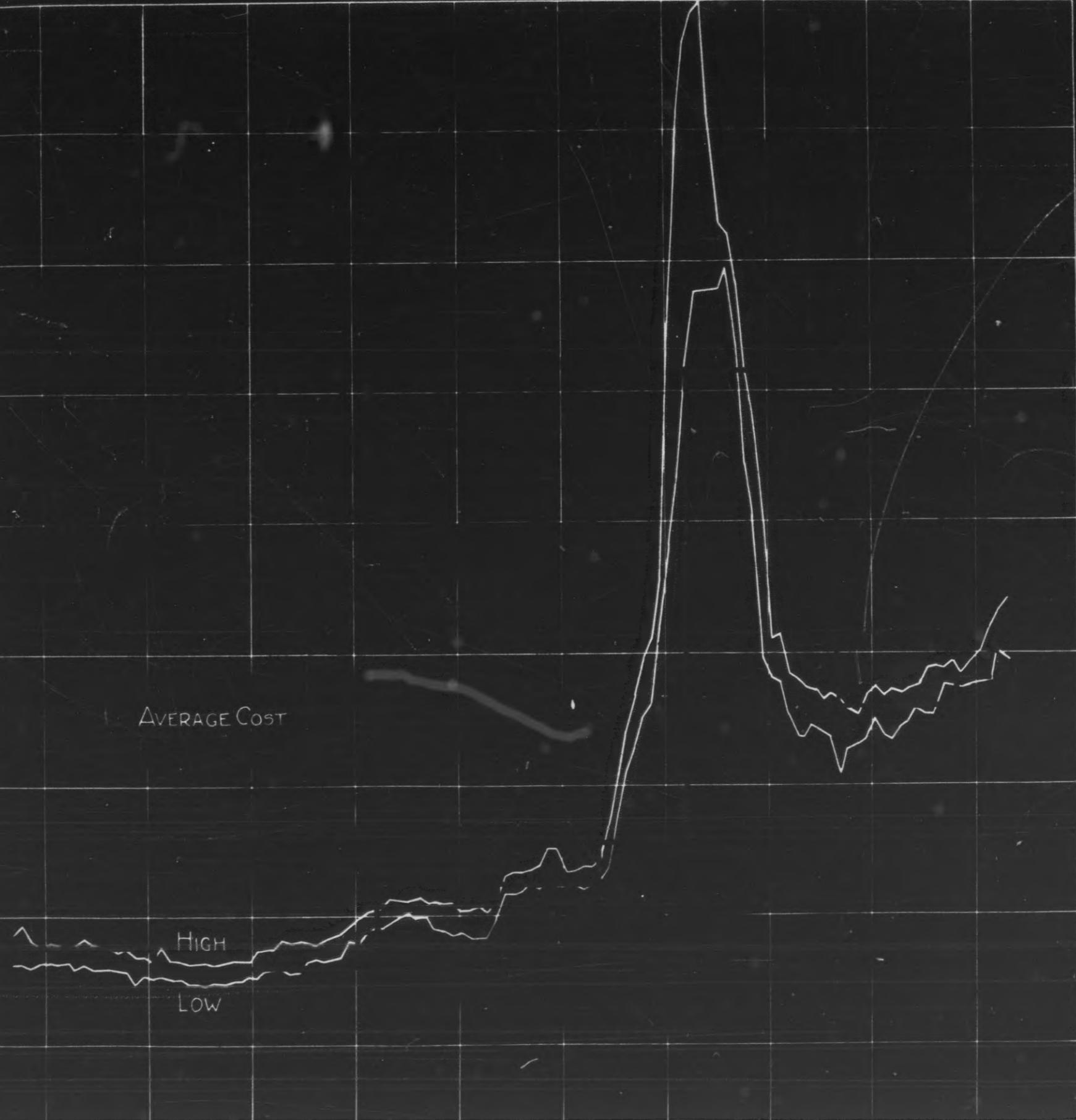


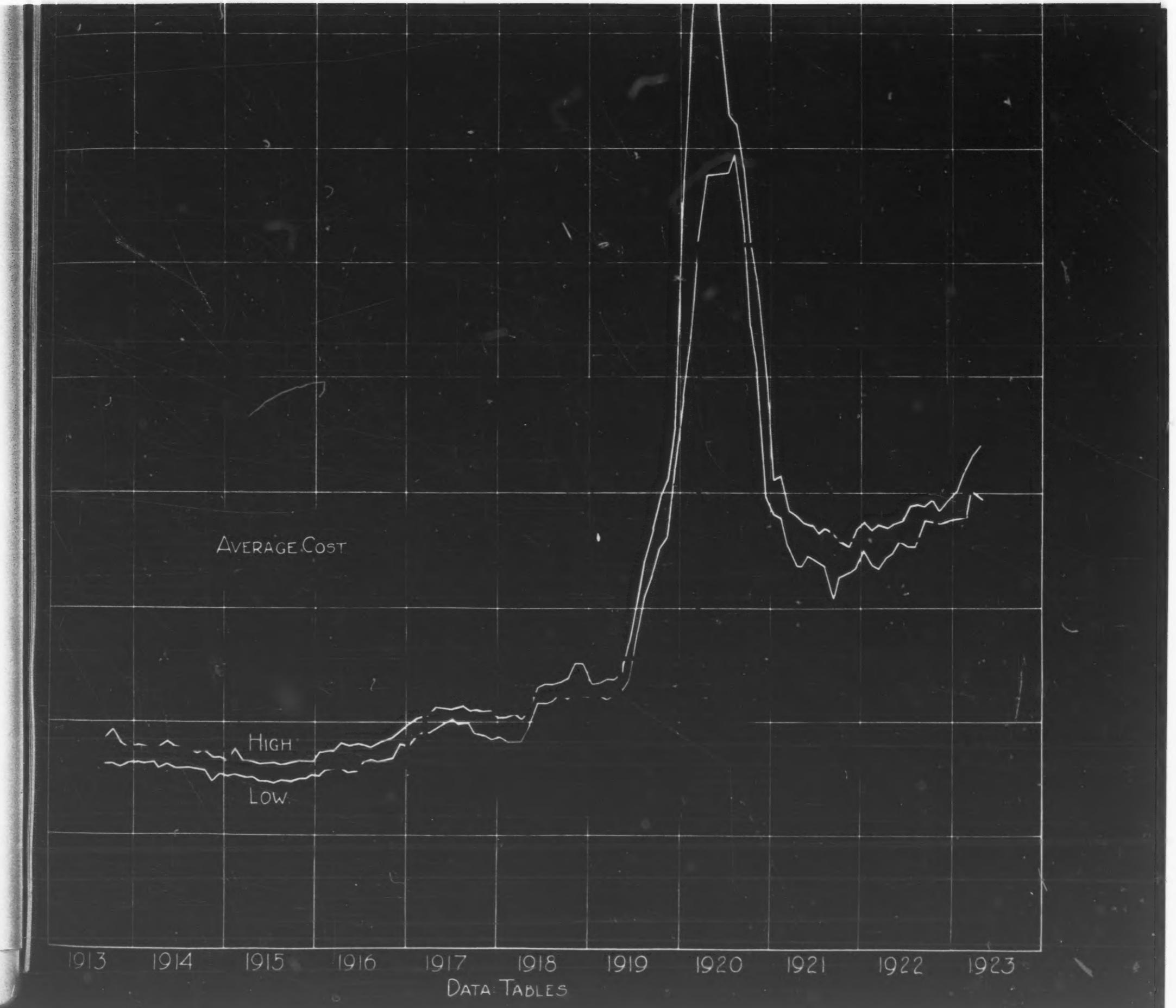
DATA: TABLES

[fols. 6738-6745] DEFENDANTS' GRANT KEEHN EXHIBIT No. 29

CLEARALS PER M FT.

CLEAR $\frac{1}{16} \times \frac{1}{4}$ FLOORING



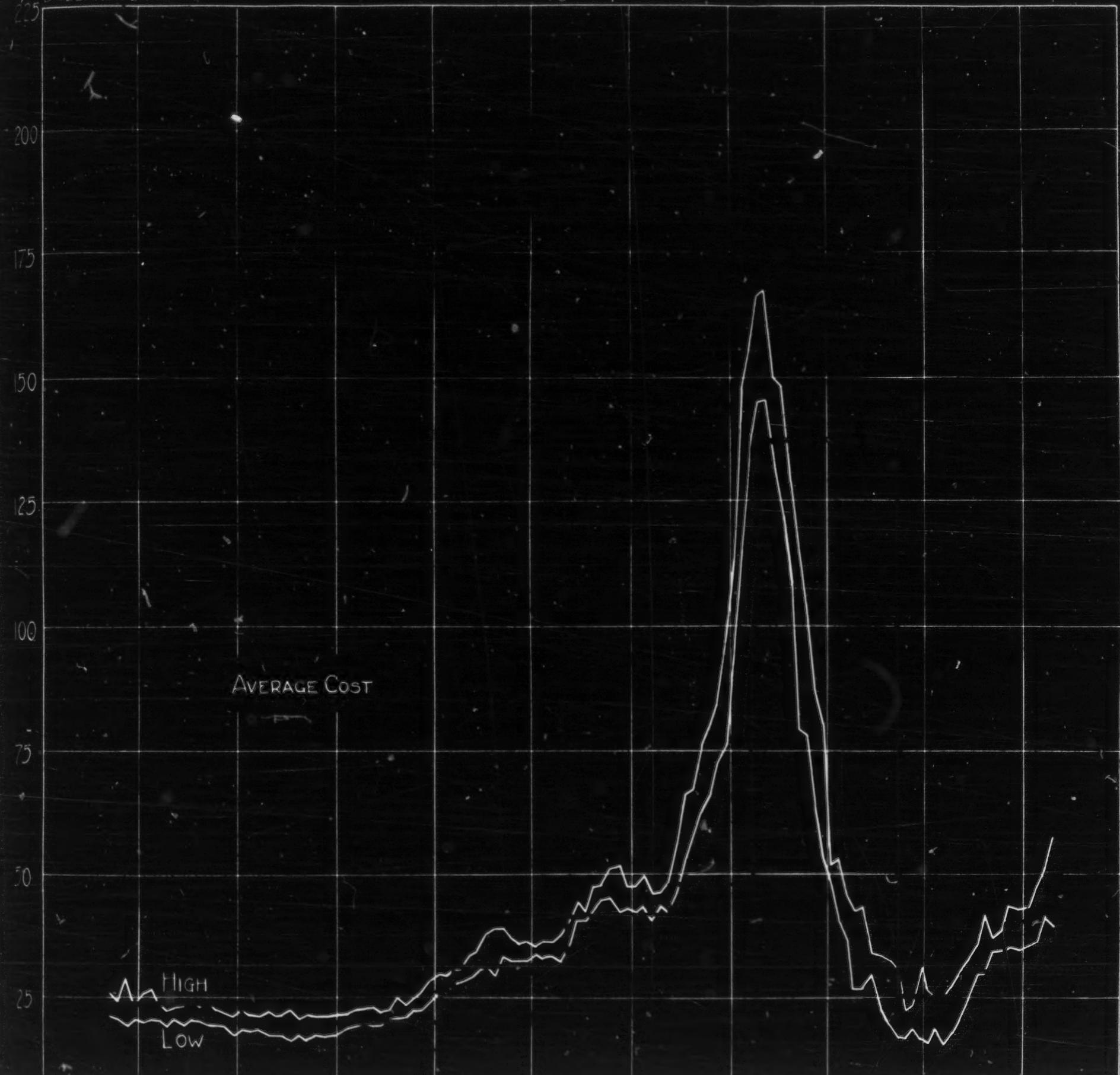


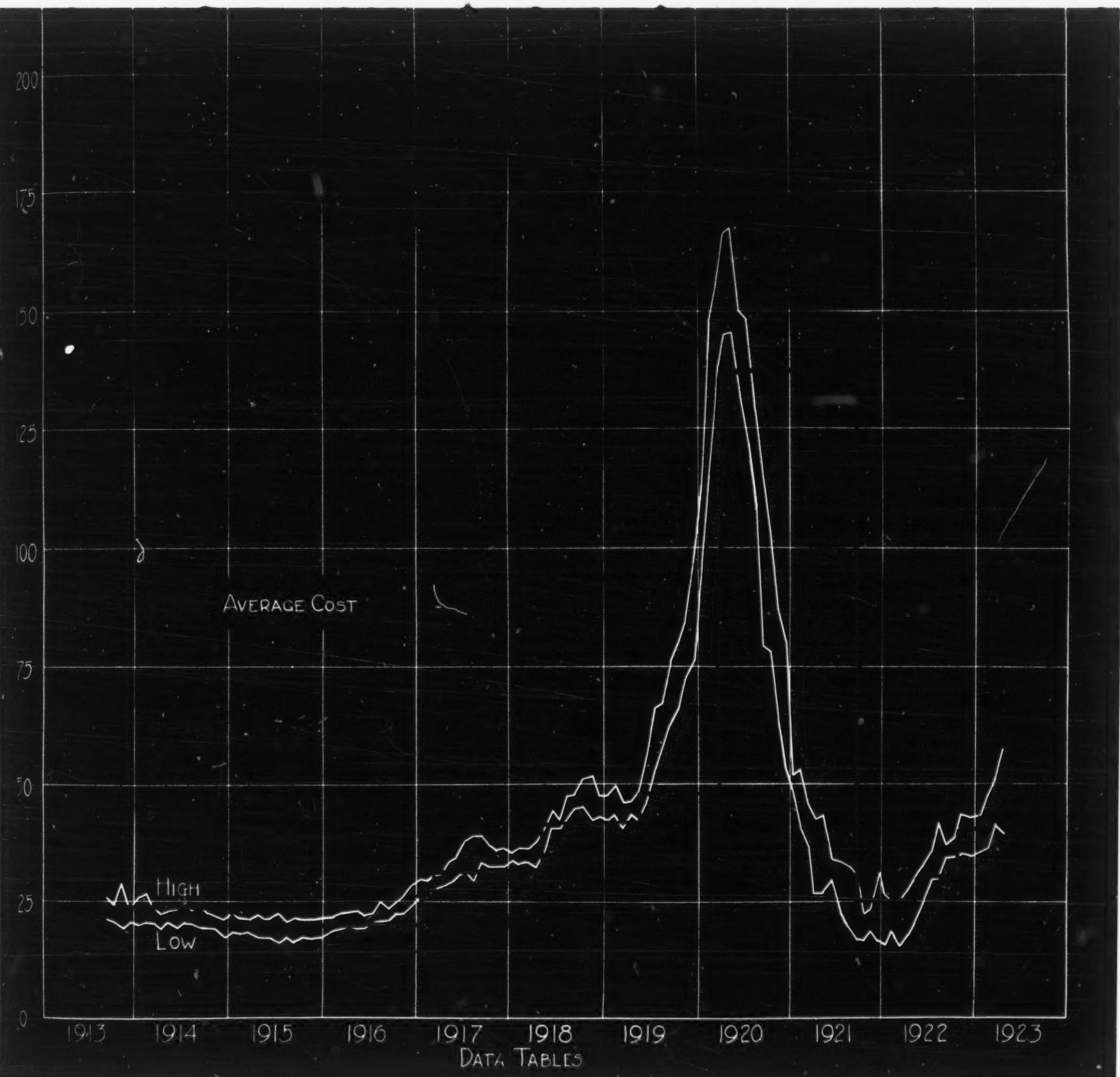
OF MICHIGAN AND WISCONSIN MEMBERS OF THE AM. FLOORING M.

- 1915-1925

DOLLARS PER M. FT.

FACTORY $\frac{13}{16} \times 2\frac{1}{4}$ FLOORING







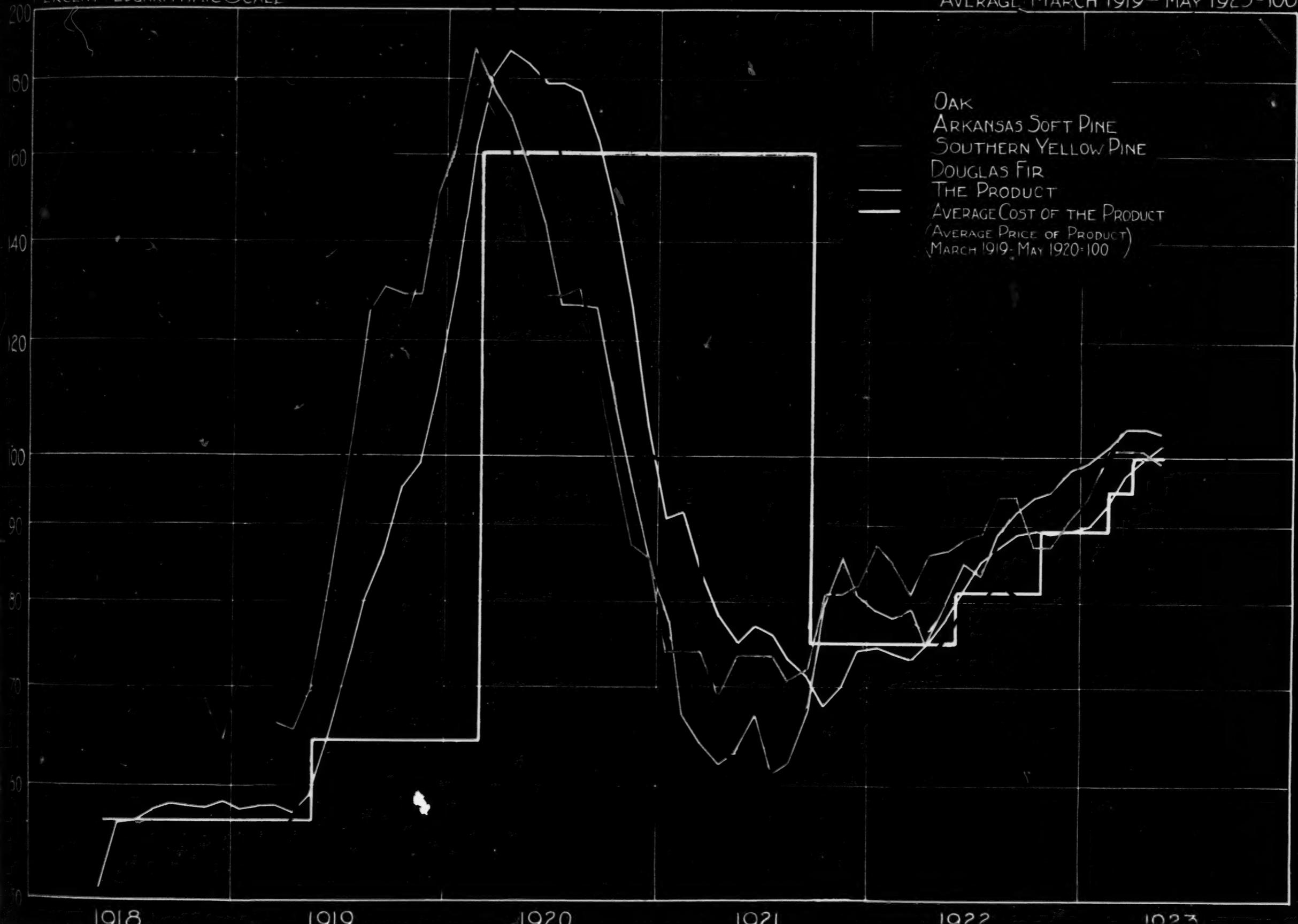
[fols. 6746-6748] DEFENDANTS' GRANT KEEHN EXHIBIT No. 30

68-920

AND OF INDEX OF ITS AVERAGE COST WITH
INDICES* OF THE PRICES OF COMPETING WOOD FLOORINGS
MONTHLY-1918-1923

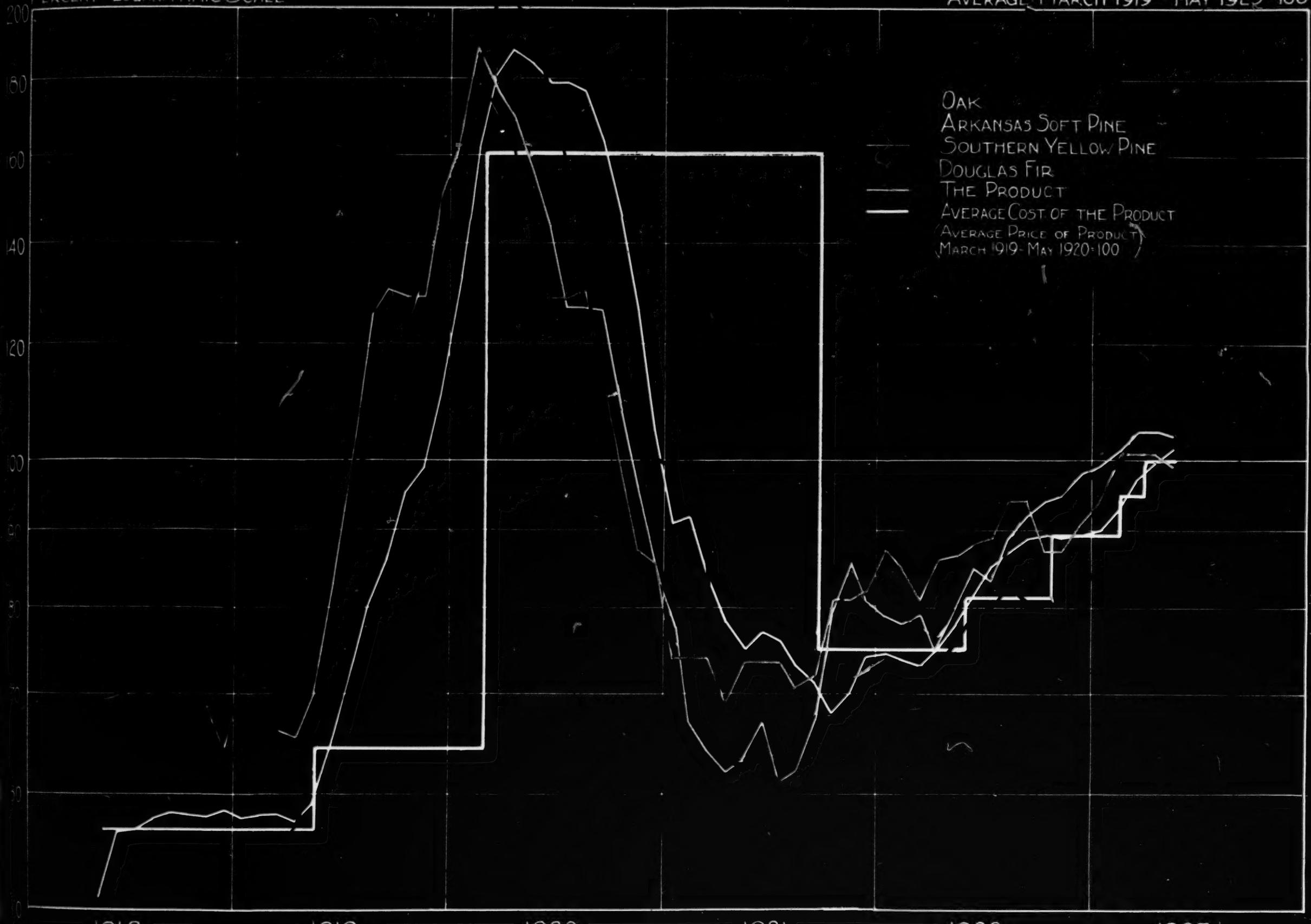
PERCENT-LOGARITHMIC SCALE

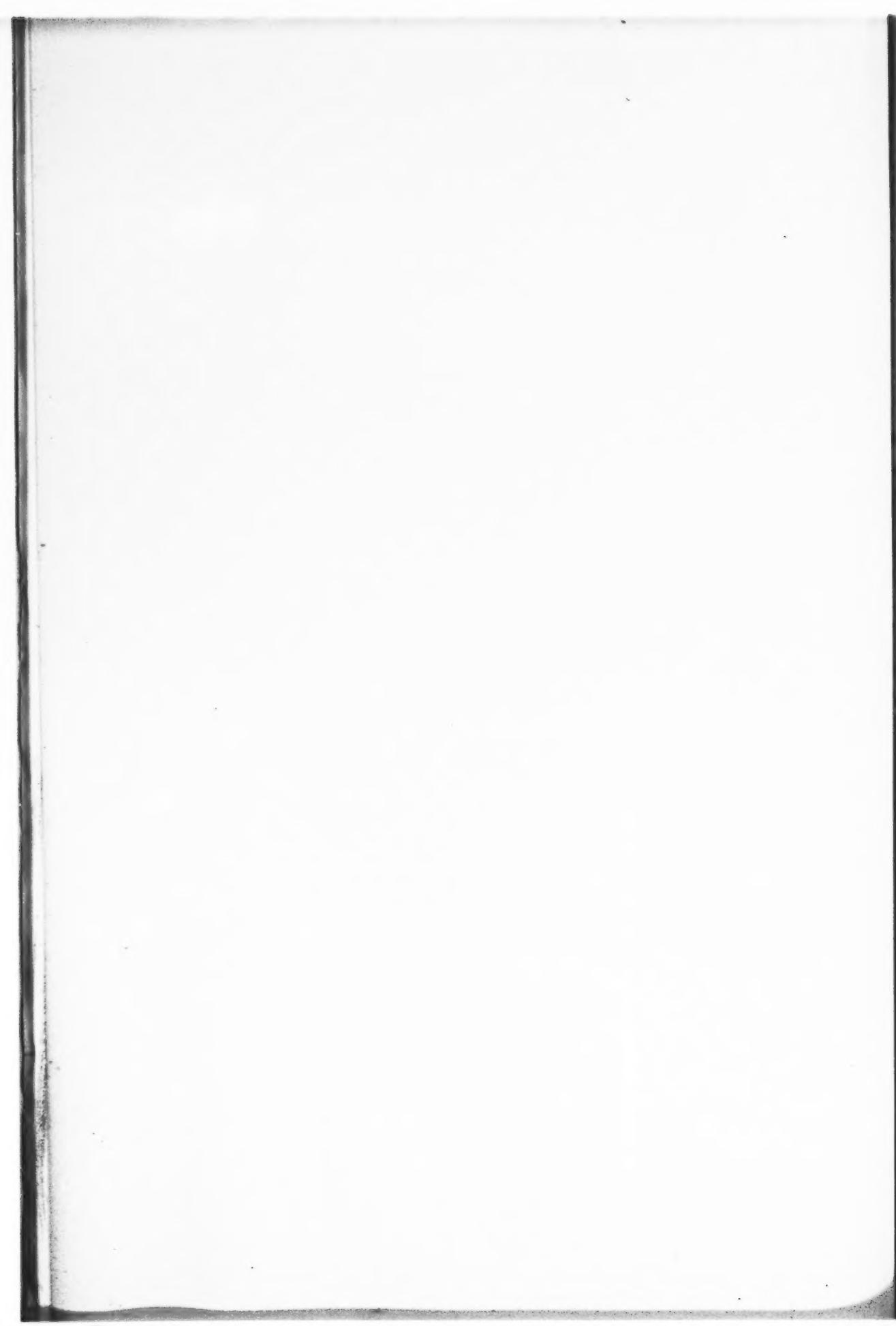
AVERAGE MARCH 1919-MAY 1923=100



PERCENT-LOGARITHMIC SCALE

AVERAGE: MARCH 1919 - MAY 1923 = 100





[fol. 6749] UNITED STATES OF AMERICA,
Western District of Michigan,
Southern Division, ss:

CLERK'S CERTIFICATE

I, Charles J. Potter, Clerk of the District Court of the United States for the Western District of Michigan, do hereby certify that the exhibits herein contained are the original exhibits of the plaintiff and of the defendants in the case of the United States of America vs. The Maple Flooring Manufacturers Association et al., introduced in evidence at the hearing of said cause, which are required to be transmitted to the Supreme Court of the United States, by the order of said District Court, excepting, however, Plaintiff's exhibits 65-2C to 65-3B, there having been, through the inadvertence of the Stenographer no such marking of exhibits.

Witness my official signature and the seal of the aid District Court, at Grand Rapids in said District and Division, this 24th day of March in the year of our Lord one thousand nine hundred and twenty-four.

Charles J. Potter, Clerk, by Chas. L. Fitch, Deputy Clerk.
(Seal of the U. S. District Court, Western District of Mich., Southern Division.)

—

[fol. 6750] IN THE SUPREME COURT OF THE UNITED STATES

[Title omitted]

STIPULATION AS TO PARTS OF RECORD TO BE PRINTED—Filed April 3, 1924

Whereas, the appellants in the above entitled cause have given the appellees notice that they intend to rely upon all the propositions of law and fact contained in their assignment of errors herein; and

Whereas, the appellants have informed the appellees of the parts of the record which in their opinion should be printed and the appellees have likewise informed the appellants of the parts of the record which they wish to have printed.

Now, therefore, in consideration of the premises, and in order to comply with rule 10, the appellants and the appellees agree and stipulate as follows:

1. That—

(a) In the opinion of both parties all the transcript of the record transmitted by the clerk of the lower court except the last ten lines of page 1491 and all of pages 1492, 1493, 1494, 1495 and 1496; .

(b) In the opinion of the appellees, Government exhibits or the parts thereof hereinafter indicated, viz: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; such parts of 15, 15a, to 15fff inclusive as are indicated thereon in blue pencil marks; such parts of 18, 18a to 18x, inclusive, as are indicated; 19, 20, 21, 22, 24, 25, 25a, 25b, 26, 27, 27a, 28, 28a, 28b, 28c, 28d, 28e, 28f, 28g, 28h, 28j, 28k, 28L, 28n, 28o, 28q, 29 30e; the two sheets dated May 22, 1913, and May 21, 1913, respectively, of 30f; such parts of 31 as are indicated; such parts of 31d to 31r, inclusive, as are indicated; 32; [fol. 6751] such parts of 33, 34, 34a to 34p, inclusive, and 35 as are indicated; 36; such parts of 37, 38 to 38k inclusive, as are indicated; 39a, 39e, 40-5r, 40-3y, 40-2s, 40a; such parts of 40 as are indicated; 41, 41a, 41b, 41c, 41d, 41-2u, 41-2v, 41-2w, 41-2x, 41-2y; 42; first and last sheets of 42a; first and last sheets of 42b; the reports dated October 28, 1913, January 20, 1914, February 23, 1922, respectively, of 42c; extra 43 or report dated March 2, 1920, as originally mimeographed; 43a, 43b, 43-2j, 43-2k; 43-2v, 43-3f, 43-5z, 43-6a, 44, 45, 46, 46a, 46b, 47, 48, 50, as originally mimeographed; such parts of 51 and 52 as are indicated; 57, 57a, 54b, 55c, 57d, 57e, 57f, 58, 58a, 59, 59a; such parts of 60 as are indicated; 61, 61a, 62, 63, 63a, 63b, 63c, 63d, 63e, 63f; such parts of 64 as are indicated; 65, 65-3k, 66; the typewritten tabulations of 68, excluding the letters and other documents attached thereto; 69, 70; first and last sheets of 73; such parts of 75 as are indicated; the financial statement with respect to termination of Association as of December 31, 1921 of 76; such parts of 76 and 76a as are indicated; such parts of 77, 78 and 79 as are indicated.

(c) In the opinion of appellants the following defendants' exhibits or parts thereof hereinafter indicated, viz: A, B, B-1, C, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11; E; such parts of F and F1 as are indicated by blue pencil marks; G, G-1, H, H-1, H-2; such parts of I as are indicated; K, L, T, T-1, BB, CC-1/2, CC, CC-1, CC-2, CC-3, CC-4, DD, DD-1, EE, FF to FF-9, inclusive, GG, HH, II-1, II-2, JJ; such parts of KK as are indicated; such parts of LL as are indicated; OO, PP, QQ; defendants' Robertson exhibit #1; first sheet of defendants' Robertson exhibit #2; letter of June 20, 1919 addressed to Holt Hardwood Co. of defendants' Robertson exhibit #9; such parts of defendants' Robertson exhibits #13 and #20 to #31 inclusive as are indicated; defendants' Bacon exhibit #1; defendants' Brown exhibit #4; defendants' Gordon exhibits #1, #2, #3, #4, and #5; the graphs of defendants' Gordon exhibits #6 and #7; defendants' Gordon exhibit #8; the graphs of defendants' Gordon exhibits #9, #10, #11 and #12; defendants' Gordon exhibit #13; the graph of defendants' Gordon exhibit #14; defendants' Gordon exhibits #14-a, #14-3/4, #15 and #16; the graphs of defendants' Grant Keehn exhibits #17, #18, #19, #20, #21, #22, #23, and #24; defendants' Grant Keehn exhibit #25; the graphs of defendants' Grant Keehn exhibits #26, #27, #28, #29, #29a, #29b and #30; such parts of defendants' Vanderblue exhibits #1 to #4 inclusive as are in-

dicated; the District Clerk's Certificate to the exhibits transmitted to the Supreme Court; and this stipulation,

are material and are necessary for the consideration of the points on which the appellants intend to rely.

[fol. 6752] 2. That a vertical line or a check made with a blue pencil was the method most generally used to indicate the parts of exhibits, or entire exhibits where not otherwise specified, which were deemed material by either of the parties hereto.

3. That all the exhibits above mentioned are original exhibits; that they were received in evidence during the hearing in the Court below, and that they were certified by the Clerk of said Court and transmitted with the transcript of the remainder of the record to the Supreme Court pursuant to agreement of the parties and the order of the District Court of the United States for the Southern District of Michigan.

4. That only the portions of the record and the exhibits and parts thereof above designated shall be printed by the Clerk of the Supreme Court; provided, however, that if there are any substantial errors in Government exhibit #79 and the parties shall not stipulate as to the facts, the appellants may have printed all or such parts of the other exhibits as in their judgment will correct such errors; provided further that either party may at any time within ninety days before the hearing of said cause correct any inadvertance or over-sight by designating other exhibits or parts thereof to be printed, upon condition, however, that such exhibits or parts thereof shall be printed, filed and served on opposing counsel at least sixty days before the date the cause shall have been set for oral argument, in which event the other party may likewise designate such other exhibits or parts thereof to be printed upon condition that said exhibits or parts thereof shall be printed, filed and served upon opposing counsel at least thirty days before the date the cause shall have been set for oral argument.

[fol. 6753] In witness whereof the parties hereto, by their respective counsel, have signed this stipulation, this 3d day of April, 1924.

Jacob Newman, Conrad Poppenhusen, H. L. Stern, Edward R. Johnston, Solicitors for Appellants. James M. Beck, Solicitor for Appellees.

[fol. 6754] [File endorsement omitted]

[fol. 6755] SUPREME COURT OF THE UNITED STATES, OCTOBER
TERM, 1923

No. 920

MAPLE FLOORING MANUFACTURERS ASSOCIATION et al., Appellants,
vs.

THE UNITED STATES OF AMERICA

STIPULATION TO CORRECT ORIGINAL EXHIBITS—Filed June 9, 1924

It is hereby stipulated and agreed between counsel for the appellants and counsel for the appellee that the error appearing in the original copy of Defendants' Exhibit No. 26, appearing at page 6729 of the original book of exhibits, may be corrected in the copies of the graph of Exhibit No. 26, to be furnished for the use of the court, by substituting "1919" for "1917" at the foot of the eighth column of said graph.

Newman, Poppenhusen, Stern & Johnston, E. G. S., Counsel
for Appellants. James M. Beck, Solicitor General.

(3050)

(30,230)

APPENDICES TO APPELLANTS' BRIEF

Supreme Court of the United States
October Term, 1924

No. 342

MAPLE FLOORING MANUFACTURERS ASSOCIATION, W. D.
YOUNG & COMPANY, MITCHELL BROTHERS COMPANY,
ET AL.,

Appellants,
VS.

THE UNITED STATES OF AMERICA

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF MICHIGAN

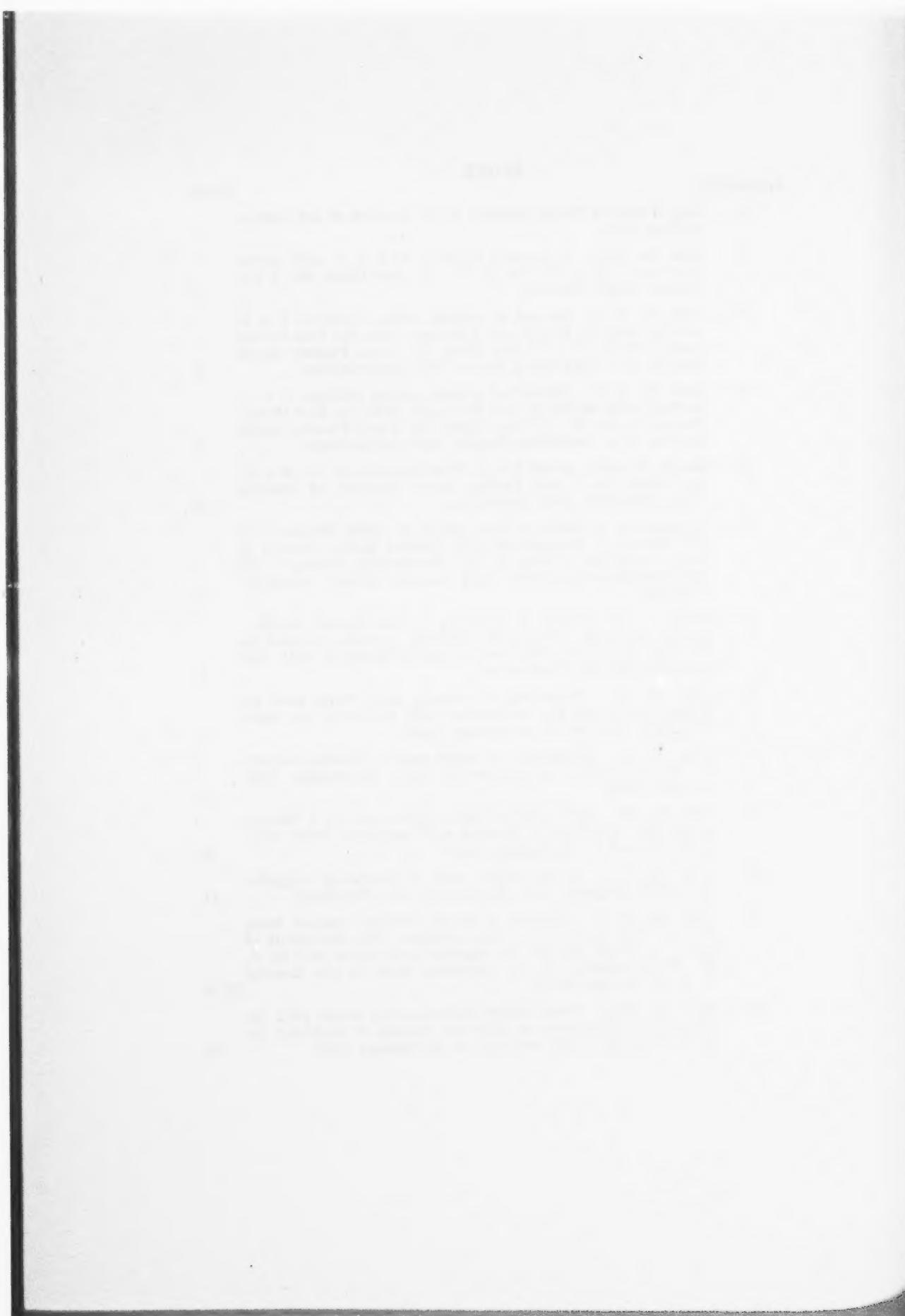
Jacob Newman,
Conrad H. Poppenhusen,
Henry L. Stern,
Edward R. Johnston,
Henry Jackson Darby,
Solicitors for Appellants.



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